the weekly Standard

SEPTEMBER 29, 2008 $4.95

THE PALIN EFFECT
NOEMIE EMERY

HIGH ANXIETY

LAWRENCE B. LINDSEY on Wall Street's vertigo

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REBUILD AFTER METH

The headlines about methamphetamine—meth—have been grim. This highly addictive drug leaves a path of destruction that hurts families and entire communities. Users suffer severe health consequences; children are often neglected; and communities face dangerous crime and overburdened law enforcement.

Are we making strides in the fight against meth? Absolutely. From first responders to substance abuse professionals, those who work on the frontlines to combat meth recognize the progress.

- ***Meth use among youth and young adults has declined significantly since 2002.***[1]
- ***More meth users are seeking help. Meth treatment admissions have more than tripled in the past decade.***[2]
- ***And law enforcement officials are finding fewer and fewer domestic meth labs—meth lab seizures in the U.S. have decreased dramatically since 2004.***[3]

There is still work to be done, however — from eradicating meth production and distribution to helping those battling addiction. Consider Teresa. She is a mother, Girl Scout volunteer, and website developer. Her life took a sharp turn when she started using meth to lose weight. Her story went from bad to worse as she abandoned her family, including her 4-year-old daughter, for nearly a year in the search for her next high. She eventually entered a treatment program and made a commitment to conquer her addiction. Today, she is drug-free and a leader in anti-meth efforts in her community. There are thousands of people like Teresa out there, showing individuals and communities what they need to know.

- ***Treatment is available, and it works.***
- ***Drug addiction treatment is cost-effective—for every $1 invested in drug treatment programs, there is a $12 savings in crime and health care costs.***[4]

Each year, nearly 150,000 people are admitted to treatment for methamphetamine.[5] And outcomes for meth users entering treatment are comparable to those for users of other similar drugs.[6] Find out about substance abuse treatment, and support meth treatment in your community.

Learn more at methresources.gov or call 1-800-662-HELP.

American Society of Addiction Medicine
Community Anti-Drug Coalitions of America (CADCA)
National Association of Addiction Treatment Providers
NAADAC, Association for Addiction Professionals
National Association of Counties
National Association of Social Workers
National Conference of State Legislatures
National Drug Enforcement Officers Association
National Narcotics Officers' Association Coalition
The Partnership for a Drug-Free America
Substance Abuse and Mental Health Services Administration (SAMHSA)
State Associations of Addiction Services

[1]SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health (NSDUH), 2002-2006, Table 8.40B.
[2]SAMHSA, Office of Applied Studies, Treatment Episode Data Set (TEDS) 2007, Table 1b.
[3]DOJ, National Drug Intelligence Center, National Methamphetamine Threat Assessment 2008, December 2007.
[4]National Institute on Drug Abuse, "Principles of Drug Addiction Treatment: A Research-Based Guide," 2000.
[5]SAMHSA, Office of Applied Studies, Treatment Episode Data Set (TEDS) 2007, Table 1a.
[6]National Institute on Drug Abuse, "Principles of Drug Addiction Treatment: A Research-Based Guide," 2000.

Office of National Drug Control Policy

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New from Hoover Press

GREENER THAN THOU

Are You *Really* an Environmentalist?

BY TERRY L. ANDERSON AND LAURA E. HUGGINS

There are two ways to show you are green. One is to preach, sue, lobby and spend; the other is to find ways to nudge people in environmental directions by changing their economic incentives. Greener Than Thou *demonstrates with fascinating case histories—ranging from Alaskan halibut to Bolivian bees to Mexican jaguars—how much more can be achieved the second way.*

—***Matthew Ridley,*** *scientist and author of* Genome: The Autobiography of a Species in 23 Chapters

In six insightful essays, Terry Anderson and Laura Huggins make a powerful argument for free market environmentalism. They break down liberal and conservative stereotypes of what it means to be an environmentalist and show that, by forming local coalitions around market principles, stereotypes can be replaced by pragmatic solutions that improve environmental quality without increasing red tape.

Terry L. Anderson, the John and Jean DeNault Senior Fellow at the Hoover Institution, is the executive director of PERC (the Property and Environment Research Center), a think tank in Bozeman, Montana, that focuses on market solutions to environmental problems, and professor emeritus at Montana State University.

Laura E. Huggins is a research fellow at the Hoover Institution and director of publications at PERC.

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Is tomorrow's energy right in front of us?

Where on earth could we find enough oil to power more than 60 million cars for 60 years? And enough natural gas to heat 160 million households for 60 years?

You might be surprised to learn that the answer is right here, in America – 116 billion barrels of oil and 651 trillion cubic feet of natural gas, just on federal lands.

But, as the saying goes, these vital domestic resources are often "so close, yet so far." Why? Because current government policies – a tangled mix of federal and state regulatory restrictions – put a large portion of these oil and natural gas resources, many on the Outer Continental Shelf (OCS), off-limits to production.

85% of lower 48 OCS acreage is off-limits to oil & natural gas development

In fact, the U.S. government estimates that there are 36 billion barrels of undiscovered technically recoverable oil on federal lands currently closed to development. New technological breakthroughs allow us to tap these resources, even in "ultra deep waters," while protecting fragile marine environments. Recently, oil and natural gas companies employed advanced technologies to discover vast amounts of new oil and natural gas in the Gulf of Mexico – resources beyond our technical reach just a few years ago.

The U.S. Department of Energy predicts America will need 19 percent more energy in 2030 than we used in 2006. Meeting this demand, and ensuring our future energy security, requires developing more energy from more sources, including our own oil and natural gas resources.

Oil and natural gas not only heat our homes and fuel transportation, they also provide the building blocks for everything from medicines to advanced communications equipment. And developing America's untapped energy resources means a stronger economy and more American jobs. That's real economic stimulus – and it would allow increased funding for federal, state and local government budgets.

Oil and natural gas make possible our unequaled quality of life. Ensuring such for future Americans will require policies that permit responsible, respectful access to America's plentiful domestic oil and natural gas resources. These valuable resources are within our reach. Let's work together to realize their potential.

THE *people* OF AMERICA'S OIL AND NATURAL GAS INDUSTRY

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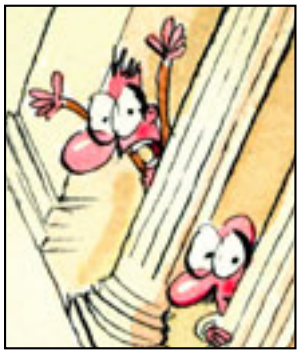

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BPA INTERNATIONAL

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Have You Hugged Your General Today?

The Scrapbook takes second place to no one in its admiration for General David Petraeus and his deputy, Lieutenant General Raymond Odierno, the officers and gentlemen who have been architects of the surge. We're delighted that General Petraeus now takes over Central Command, and gratified that General Odierno has succeeded him as the top commander in Iraq.

We note, however, with some slight measure of alarm the adjacent photograph of these two distinguished soldiers at their change-of-command ceremony in Baghdad. No doubt, there is mutual affection, as well as respect, between these two officers and West Point graduates (Petraeus '74, Odierno '76) who have served their country with such distinction. But a hug? Hugs among men in public service, we are quick to concede, is a particular *bête noire* of ours—and discouraging them, we fear, is a losing battle on the cultural landscape.

It all started nearly two decades ago with President Bill Clinton who, when introducing speakers or bidding farewell to departing cabinet officers, would envelop them in his capacious arms, and give 'em a squeeze. Most seemed to know what was coming, and would wrap their forearms gingerly around the president's back—perhaps even pat it a couple of times, if the hug went on for too long. But The Scrapbook has happy memories of the sight of the retiring secretary of state Warren Christopher, an elder statesman of the pre-hug generation of American manhood, who froze when Clinton swept him up in his arms, and looked as if someone had thrown a bucket of embalming fluid in his face. (To be sure, Mr. Christopher tended to look like that most of the time.)

Petraeus ♥ Odierno (top); MacArthur ♥ Wainwright

Now, the practice of hugging in front of the microphones has become endemic among politicians—and, as we see, among fighting men, too. What was once the province of movie stars at the Academy Awards or French generals handing out medals—at least Odierno didn't peck Petraeus on the cheek!—is now swiftly supplanting the firm handshake and shoulder squeeze in front of the cameras. Can anyone imagine Dwight D. Eisenhower offering John Foster Dulles a big hug, or John F. Kennedy and Dean Rusk entwined in each other's arms?

Oh, sure, Gen. Douglas MacArthur can be seen here more or less hugging Lt. Gen. Jonathan Wainwright (1945) after Wainwright was released from three-and-a-half years' brutal captivity in Japanese POW camps. But poor Wainwright—whose nickname was "Skinny" before the war—could probably barely stand up, and MacArthur was, shall we say, one of our more theatrical generals. ♦

Sentences We Didn't Finish

'I had to leave church Sunday morning when it turned out that the sermon was not about bearing up under desperate circumstances, when you feel like you're going crazy because something is being perpetrated upon you and your country that is so obscene that it simply cannot be happening.

"I sat outside a 7-Eleven and had a sacramental Dove chocolate bar. Jeez: Here we are again. A man and a woman whose values we loathe and despise—lying, rageful and incompetent, so dangerous to children and old people, to innocent people in every part of the world—are being worshiped, exalted by the media, in a position to take a swing at all that is loveliest about this earth and what's left of our precious freedoms.

"When I got home from church, I drank a bunch of water to metabolize the Dove bar and called my Jesuit friend, who I know hates these people, too. I asked, 'Don't you think God

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(Classic Steiner, reprinted from our issue of July 26, 2004)

finds these smug egomaniacs morally repellent? Recoils from their smugness as from hot flame?'

"And he said, 'Absolutely. They are everything He or She hates in a Christian.'

"I have been in a better mood ever since, and have decided not to even say this woman's name anymore, because she fills me with such existential doubt, such a sense of impending doom and disbelief, that only the Germans . . . " (Anne Lamott, "A call to arms: How to handle the fury brought on by this election?" *Salon*, September 16, 2008). ♦

Articles We Didn't Start

'Hall of Fame: Brad Pitt nominates Kenneth Roth for making Human Rights Watch the scourge of tyrants everywhere" (*Vanity Fair*, October 2008). ♦

Guilty as Charged

Morton Sobell, the codefendant with Julius and Ethel Rosenberg in the famous 1953 espionage case, has finally fessed up to his guilt in helping pass nuclear secrets to Stalin. "Was he, in fact, a spy?" asked *New York Times* reporter Sam Roberts of the 91-year-old ex-con described by the *Times* as "an advocate for progressive causes." Replied Sobell: "Yeah, yeah, yeah, call it that." Michael and Robert Meeropol, the sons who were orphaned at 10 and 6 respectively by the execution of their parents, told Roberts they "have now concluded that continuing to claim that their father was innocent of an espionage conspiracy was no longer defensible."

Ronald Radosh, coauthor with Joyce Milton of the definitive history, *The Rosenberg File*, took a well-deserved victory lap in the *L.A. Times*:

> The left has consistently defended spies such as Hiss, the Rosenbergs and Sobell as victims of contrived frame-ups. Because a demagogue like Sen. Joseph McCarthy cast a wide swath with indiscriminate attacks on genuine liberals as "reds" (and even though McCarthy made some charges that were accurate), the anti anti-communists came to argue that anyone accused by McCarthy or Richard Nixon or J. Edgar Hoover should be assumed to be entirely innocent.... But now, with Sobell's confession of guilt, that worldview has been demolished. ♦

Biden Their Time

We noted last week the low rate of giving revealed by Joe Biden when he released a decade's worth of tax returns—one tenth the rate of Dick Cheney's contributions, which were a source of fascination to the *New York Times* eight years ago. You may or may not be shocked to learn that the *Times* has yet to opine on Biden's ten years of stinginess. This must be what happens when all of your reporters are dumpster-diving in Alaska. ♦

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Casual

Ask Not What Conrad Can Do for You

About a year ago, I bought a broken edition of the works of Joseph Conrad on eBay. It was quite cheap even though it was missing more volumes than the seller thought. The "Medallion Edition" is widely stated to be 20 volumes, a reprint of the collected edition that Conrad himself corrected for Heinemann in the early 1920s. But two additional volumes were published after his death in 1924: the unfinished *Suspense* and *Tales of Hearsay*. The set I bought had these later volumes, and with some patience and regular Internet searches I recently completed the edition.

In honor of this mild book-collecting achievement, I began rereading *Lord Jim*. I was struck afresh by Conrad's immense descriptive power. His slow careful cadences frustrate any attempt to misunderstand him, and his ideas of human nature are never confused or relative. His are stern and beautiful parables. They are also a challenge to the reader. Conrad didn't learn English until he was in his twenties. And though he was its master, his attachment to it is more scientific than poetic. His writing is gorgeous, but cold, lacking in the rhythms we absorb unconsciously in youth. I found myself working to read more slowly and to grasp at the beauty of the passages by doubling back. Conrad famously said in 1896 that he wrote in a state of constant doubt: "I ask myself—is it right?—is it true?—do I feel it so?" I was asking similar questions as I read.

How great a role my new purchase was playing in my enjoyment became clear one Saturday when I went to the movies. Not wanting to carry my 80-year-old book, I grabbed the Oxford World Classics edition I've had since college off the shelf. After the film, I repaired to a quiet hotel bar for a restorative. I found my place in the paperback and began to pick up the threads. It wasn't easy. The writing seemed suddenly less compelling and the story's complex narration more difficult to enter into. I just wasn't enjoying the novel. I looked at the book itself for a moment. The foxing of the cheap paper was noticeable. The margins and gutters were much too tight, and the printing had that fuzziness that letterpress doesn't. Everything seemed a little bit off. And then there was the regular intrusion of asterisks alerting me to cumbersome endnotes that could explain on which hotel Conrad had modeled the Malabar and how a belaying pin works.

DARREN GYGI

It occurred to me that perhaps I was no longer giving Conrad his due: reading him at my convenience rather than on his terms. It was like affixing a Cézanne drawing to the refrigerator with magnets or going to the opera in pajamas. It is undoubtedly a pompous thought, but works of high art cannot be consumed in an effortless manner like some bit of journalism or a Wikipedia entry. Writers like Conrad or Henry James or Willa Cather struggled to produce their great books, calculating every effect, and they ask a lot of readers. Their novels are capable of the grandest effect of art: to make you see, then to know, and finally to understand. There's a reason their works were collected into full editions and we have sought to preserve their every utterance. Settling in to read a nicely made copy of *Lord Jim*—one that encourages concentration rather than frustrates it—is the least I can do for a writer as accomplished as Conrad.

This is why I collect books. My house is overflowing with the success of two decades' plowing through second-hand shops and library sales. I long to have at hand a good edition of each book when the spur comes to read it—for all books have their time and place, and the inspiration can be fleeting. (What I'm not is a collector of first printings or rare trophies. I want books "designed for use rather than ostentation," as Gibbon remarked of the Emperor Gordian's 62,000 volumes.) In the age of on-time printing of paperbacks and celebrity introductions for classic novels, these are a bit of luxury—as high art is itself a luxury of successful societies—but then I put on a tie before I head to the opera and I drink my Old-Fashioneds out of a decent glass. While I may revel in a Buchan or Forsyth shocker in disposable bindings, Conrad has the right to ask much more of me.

Robert Messenger

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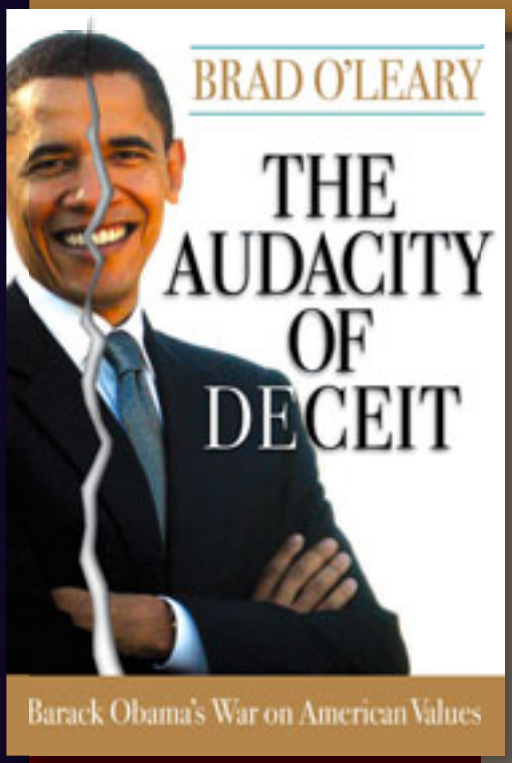

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- Wage a trade war that would eliminate 10 million American jobs.
- Choke-off America's domestic energy resources and sending gas and electricity prices through the roof.
- Implement a "zero to five" program designed to transfer infant and child-raising responsibilities from parents to the federal government.
- Establish a government agency to approve what types of medical procedures and operations senior citizens are permitted to have.
- Increase the liberal majority in Congress by allowing felons to vote.

You'll see how, as a State Senator, Obama…

- Blocked emergency medical aid for babies who survive abortion!!!

And why Obama repeatedly…

- Lies and covers up his deep and longstanding relationship with left-wing radicals like Bill Ayers, a former terrorist and unrepentant member of the Weather Undergound.

Take the Barack Obama Test to match your views to his at www.BarackObamaTest.com!

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Climate Complexity

Jim Manzi's "The Icarus Syndrome" (September 8) is one of the best pieces I have read anywhere on global warming. Manzi incorporates a discussion of probability and statistics into his assessment of how to proceed with global warming policy. Unfortunately, most reporters fall very short when it comes to discussing modeling, probability, and statistics.

Three aspects of global warming hype that have always concerned me are the relative lack of data on global temperatures and carbon dioxide concentrations, the accuracy of that data, and the quality of global climate models. An analogy is useful. Financial models to predict equity prices are based upon rational expectations theory and have been used by the private sector to build real-world models upon which billions of dollars are risked every day. There is great self-interest motivating the development, testing, and application of these models, and their complexity is not nearly as great as global climate models. Global climate models are not nearly as well developed nor tested as rational expectations models have been. Secondly, the data available to financial markets are much better in both quantity and quality than are the data on global temperatures and carbon dioxide concentrations. Given the complex nature of global climate, the age of the earth, and the relative lack of accurate data, forecasting anything meaningful or useful using the relative paucity of data on global climate with relatively poor models is like trying to predict the future levels of equity markets using about a day's worth of price data from equity markets.

Dennis O'Neill
Chicago, Ill.

Secular Conservatism

James Grant ("Prey for Religion," September 22) has it exactly right when he poses the question, "Just what, exactly, is secular about pandering to Islamists?"

What is needed is not a religious revival in the West to counter jihadist terrorism. What is needed is a revival of confidence in the demonstrated superiority of our secular republic.

Though I am not myself a religious believer, or perhaps because I am not, I feel a firm attachment to the "positive values" that define our secular republic. Lest I be misread, I am opposed to moral relativism, socialism, "a cult of the self," indiscriminate tolerance, and an undermining of patriotism.

Perhaps the conservative movement could find space in its ranks for my ilk before it's too late. Given the rising tide of religious hysteria in the East—and the relativism, secular and religious, by which it is excused in the West—this would be a welcome change in what promises to become an even more dangerous world.

Brian Stewart
Fort Benning, Ga.

What's Your Excuse?

In "Can We Talk?" (September 8), Andrew Ferguson asks three times, "What do we live for?" When I was in fourth grade near Sandy Spring, Maryland, none of my peers was very discreet. Those 10-year-olds presented the ethical probing of Leon Kass and Eric Cohen unabashedly. They asked, "What's your excuse for living?"

Cohen calls this the "central question of bioethics" and Ferguson notes that many people come up with "a pretty sneaky answer" to the question by refusing to answer it. There are only two possible answers, two possible excuses for living. The first possible answer is "to glorify yourself and your kind." The second is "to glorify the Creator of everything and of everybody." Few today are able to see that it is the second answer that best achieves happiness.

Piers Woodriff
Somerset, Va.

Life in the Last Frontier

I thought Jessica Gavora's article on Gov. Sarah Palin's experience playing high school basketball ("Game Changer," September 15) was excellent and very well written. However, I think Gavora glosses over some of the unique demands of life in Alaska as she briefly mentions the harrowing plane rides to games and long bus rides. But Americans in the Lower 48 may not know about the long period of time with little sun, the explosion of light during the summer, the obvious harshness of winter, or the vastness and ever present threat of nature, which underscore a need for Alaskans to be self-reliant and independent. Palin's experiences on the basketball court and her Alaska upbringing are two factors that helped make Palin the person she is today.

Charles J. Cernansky
Stamford, Conn.

Phoenixville Pride

Imagine my surprise and pleasure at discovering Shawn Macomber's "Alien Nation" article about my hometown hero, the Blob (September 15). I fondly recalled going to the first Blobfest with my sister-in-law and two children. We stood behind barricades as the Blob in a large bucket was displayed (it was a little scary) and now-middle-aged teenagers reenacting the movie scene came running and screaming out of the movie theater. It was great fun, and I'm glad the tradition has continued.

Chris Winters
Hudson, Ohio

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If . . .

"If you can keep your head when all about you are losing theirs . . . ," then you could be the next president.

When John McCain was young, English teachers everywhere were seeing to it that their charges memorized Rudyard Kipling's "If." McCain seems to have taken the poem to heart—especially over the last couple of years.

McCain kept his head and refused to throw in the towel in Iraq at the end of 2006. He kept his head and defended the surge when other Republicans were going wobbly early in 2007. He kept his head and pushed forward with his campaign when it was being written off in the summer of 2007. He kept his head and made key changes when his campaign seemed to be floundering a few months ago. And he kept his head and took advantage of the opening Barack Obama provided by not picking Hillary Clinton when he made the bold selection of Sarah Palin as his running mate.

This past week, though, McCain seemed to lose his head in reaction to the admittedly head-spinning financial news. First he said the economic fundamentals were strong; then he emphasized that it was a really bad crisis. First he sounded calm and deliberate; then he called, without really explaining why, for the firing of SEC chairman Christopher Cox. First he said we shouldn't bail out AIG; then he said it was reasonable to bail out AIG. First he emphasized that this was a time for bipartisanship; then he unleashed attacks on Barack Obama and the Democrats.

All in all, it was a poor week for the McCain campaign (though the candidate did begin to right the ship with a sensible speech Friday morning in Green Bay). To be fair, the right response to the financial crisis wasn't so clear, either substantively or politically. Obama played it smart by basically doing and saying nothing—and simply seized on McCain's mistakes. McCain's flailing allowed the Obama campaign, which had been off balance for almost a month, to regain its footing.

But that was last week. This week features the first debate, Friday night in Oxford, Mississippi. When an incumbent is running for reelection, history suggests that, by the time of the debates, all but a few voters will have already made their minds up. This year there's no incumbent, and the debates will be watched by many voters (perhaps as many as 20 percent) who remain undecided or have only a weak preference.

Think of recent nonincumbent elections: 2000, 1988, 1976, 1968, and 1960. (I'm counting 1976 as "nonincumbent" because it was the first time Ford was on a national ballot.) There was no debate in 1968, but in three of the other four elections, the debates made a difference: Gore's bizarre performance in the first debate in 2000 allowed Bush to open up a lead which he (barely) managed to hold despite a terrible closing week. Ford's error on the status of Poland in the second debate in 1976 slowed his comeback sufficiently to allow Carter to hang on. And Kennedy's ability to thrust and parry evenly with Nixon (and to look better on television while doing so) may have made the difference in 1960. Even in 1988, the only recent not-close nonincumbent race, Dukakis's answer to Bernard Shaw's question about an attack on his wife probably sealed his fate.

Friday night's debate is supposed to focus on foreign policy. Obama has the easier task. As the less experienced candidate, trailing already in polls on the question of who is more trusted in foreign policy, he wins by holding his own, or coming close to holding his own. The Obama campaign's theory is that if Obama can be reassuringly sound and plausibly acceptable as a potential commander in chief, he'll win the election, given all the other advantages he has this year. Their model is 1980, when a relaxed and confident Reagan sparred comfortably with Carter in their one debate of that campaign, reassured voters he wasn't too risky a choice, and then surged to an easy victory in a year of change.

McCain has a trickier task Friday night. He'll be tempted to tout his foreign policy experience. But claims of wisdom based on experience alone tend not to impress the American people—(viz. Al Gore in 2000, George H. W. Bush in 1992, Jimmy Carter in 1980, passim). Instead, McCain needs to alarm voters about Obama's dovishness—reminding them of his opponent's misjudgment of the surge, for example—and tie around his neck all the stupidities of the woolly-minded Democratic party. He might want to mention in this context Biden's rich career of misjudgments on foreign policy (against Reagan's defense buildup, against the first Gulf war, flip-flopping on Iraq, silly talk on Iran—and more!), and cite the tough words uttered not so long ago about Obama's naïveté and weakness by the woman Obama passed over as his running mate.

Of course McCain will need to lay out his own vision of a tough and principled foreign policy. For each of his 45 minutes of the debate Friday night, McCain will have to (quoting Kipling once again) "fill the unforgiving minute / With sixty seconds' worth of distance run."

We expect him to come through and to lay the groundwork for the real fireworks six days later—when Sarah Palin confronts Joe Biden on pay-per-view!

—*William Kristol*

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The GOP Brand

It's hot again.

BY FRED BARNES

It took Conservatives in Great Britain a decade to restore their party's good name. It is taking Republicans a far shorter time—perhaps only two years—to begin a significant comeback. Who's responsible? For sure, John McCain and Sarah Palin have played major roles. But so has a Republican who was one of the causes of the party's decline—President Bush.

Republicans suffered from the same ailment as the Tories. In the minds of millions of voters who once supported them, Republicans had become the political equivalent of socially unacceptable people. They were disliked, personally as well as politically. Republicans had no one but themselves to blame.

The Tories lost three elections before changing the face of their party with new leaders who stressed fresh issues (while muting but not abandoning their core conservative principles). In 2006, Republicans lost Congress and numerous statehouses. Now McCain and Palin have supplanted President Bush and Vice President Cheney as the party's leaders. They're stressing a pair of new issues: political reform and fixing a "broken" Washington. Actually, those may be a single issue.

Voters have responded to that and other Republican changes. Aside from an election, the best test of how voters feel about a party is whether they regard it and its leaders favorably or unfavorably. As recently as last June, an NBC/*Wall Street Journal* poll found voters with a 28 percent positive/47 percent negative attitude toward Republicans. By September, after the Republican convention, that had changed to 40 percent positive/43 percent negative.

Other polls have registered a similar improvement. According to Pew Research, half of America's registered voters have a favorable opinion of Republicans (55 percent are favorable to Democrats). Among independents, Pew found that 50 percent look positively on Republicans, 49 percent on Democrats—a gain for Republicans of 18 percentage points since August.

As remarkable as those poll numbers are, they're just that, poll numbers, not election results. But they do suggest that Republicans are no longer the pariahs they were in 2006 and indeed earlier this year. That alone is an accomplishment.

"The Republican brand had taken a huge hit," says Neil Newhouse of Public Opinion Strategies (POS). "The convention helped change the brand of the party from George Bush to John McCain."

In a POS survey in September, Bush's approval rating improved to 35 percent. McCain, however, has a favorable rating of 56 percent (Barack Obama's is 54 percent). And Palin has the highest rating of any vice presidential pick since Bill Clinton chose Al Gore in 1992. She and Gore tied at 47 percent.

Palin is not only viewed more favorably than Joe Biden, Obama's running mate (40 percent), in an NBC/*WSJ* poll, she towers over the only other woman chosen to run for vice president, Geraldine Ferraro. Ferraro's average rating in September 1984 was 29 percent.

These poll results show one thing clearly: Popular leaders with a (partly)

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DAVE MALAN

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new agenda and new talking points are driving the improvement in the Republican image. But this effect, hyped by the successful convention, may fade, at least a bit.

Other factors have also been crucial in the Republican rise. Recall what caused the party to tank in 2006: corruption and scandal in Congress, excessive spending, a losing war in Iraq, unpopular leaders. The party had a bad odor.

Those problems either don't exist any more or aren't as significant in 2008. Congressional Republicans who were caught up in scandal or outright crimes are gone or soon to leave. The one exception is Senator Ted Stevens of Alaska, who is under indictment and awaiting trial as he runs for reelection. Yet he's running even with his Democratic opponent.

Republicans haven't cured their addiction to earmarks, which have become the symbol of wasteful spending in Washington. But their new leaders are on the right side of the earmark issue. McCain has long opposed earmarks, and Palin, as Alaska governor, gets credit for killing the most egregious earmark of all, the infamous Bridge to Nowhere in Ketchikan.

In Iraq, the course of the war has been reversed and victory is now in sight. The public still believes, by roughly a 2-1 margin, that the war was a mistake. But the vastly improved situation in Iraq has made the war far less of an issue than it was in 2006 and far less of a drag on Republican candidates.

Republicans aren't close to reaching the enviable position of the Tories. Polls in England have consistently given the Tories nearly a 20-point lead over Labour for months. Conservatives won a landslide victory in local elections last May. A national election may not come until 2010, though it could be called earlier.

While McCain may win the presidency, Republicans aren't likely to recapture either the Senate or the House. Their aim is to cut their losses—to fewer than 10 in the House and 3 or 4 in the Senate—and hope for better times in 2010. With their new and improved brand, they have at least a shot at this.

It may seem far-fetched, but President Bush has helped. As Democrats have tried to tie McCain to him, Bush has mostly stayed out of the limelight. And then there's the surge in Iraq. Had Bush not ordered it, the situation in Iraq would probably be a bloody mess and an American defeat. And Republicans would still be suffering. ♦

Democrats and Double Standards

Obama's not-so-secret weapon: the media.

BY STEPHEN F. HAYES

When Barack Obama announced his presidential candidacy in Springfield, Illinois, on February 10, 2007, he promised to change the practice of American politics.

> This campaign must be the occasion, the vehicle, of your hopes, and your dreams. It will take your time, your energy, and your advice—to push us forward when we're doing right, and to let us know when we're not.

Obama told the crowd on that chilly day that he was running "not just to hold an office, but to gather with you to transform a nation." He was particularly concerned with the way politicians run for office. He decried "the smallness of our politics" and "the chronic avoidance of tough decisions" and politicians who win by "scoring cheap political points." All of this, he said, had led voters to look away in "disillusionment and frustration."

"The time for that politics is over," Obama said.

Or maybe not.

This past week at a campaign rally, Obama told his supporters to challenge Republicans and independents skeptical of his candidacy. "I want you to argue with them and get in their face," he said.

This is the newer, tougher Obama. The avatar of a new American politics of hope is gone, replaced by a no-nonsense practitioner of the old politics. His campaign is now less the vehicle of your hopes and your dreams than a vehicle of your frustration and your anger.

You might think that this walking, talking contradiction would be the focus of intense media scrutiny—hypocrisy being a staple of modern political reportage—but you'd be wrong.

The media line on the new Obama is simple: It's John McCain's fault. Barack Obama would like to win the presidency the right way but McCain won't let him.

According to the press, in recent weeks, the McCain campaign has so distorted Obama's record and campaign proposals that the young senator has had no choice but to fight back with old-school tactics. "McCain's tactics are drawing the scorn of many in the media and organizations tasked with fact-checking the truthfulness of campaigns," wrote *Politico*'s Jonathan Martin. "In recent weeks, Team McCain has been described as dishonorable, disingenuous and downright cynical."

And so while McCain's every utter-

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ance is factchecked and factchecked again in an attempt to shame him from challenging Obama too aggressively, Obama gets a pass.

Consider two examples.

On August 16, Pastor Rick Warren asked John McCain how much money someone would have to make to be considered rich. McCain didn't answer directly. "I think that rich should be defined by a home, a good job, an education and the ability to hand to our children a more prosperous and safer world than the one that we inherited," he said.

Then he made a joke: "So, I think if you are just talking about income, how about $5 million?"

The audience laughed, immediately understanding that McCain was being facetious. Just in case there were any doubts McCain started his next comment by saying "seriously," to underscore the joke. Then he made a prediction.

"I'm sure that comment will be distorted," he said with a shrug of his shoulders.

And it has been. "It should come as no surprise that John McCain believes the cutoff for the rich begins at $5 million," Barack Obama's campaign said in a statement. "It may explain why his tax plan gives a $600,000 tax cut to the richest 0.1 percent of earners." At a campaign appearance two days after McCain made the comments, Obama himself mocked McCain. "I guess if you're making $3 million a year, you're middle class," Obama said.

Some news accounts noted that McCain was joking and others even reported that McCain predicted his words would be twisted and used against him. In an August 18 article in the *Los Angeles Times*, Greg Miller actually did both and noted that McCain aides had made clear their boss was joking. "Even so," Miller wrote, "the remark highlighted the candidates' disparate outlooks. Analysts who study income distribution said the answers appeared to reflect shifting political calculations more than economic reality."

So Miller, writing under the headline, "Who's Rich? McCain and Obama have very different definitions," used McCain's facetious answer as if he had meant it. (Miller also speculated that Cindy McCain's family money may have shaped McCain's views of what constitutes rich.) Not only was Obama not called on his misuse of McCain's comment, reporters piled on. Is it any wonder that the line has made regular appearances in Obama speeches over the past month?

"Now, I don't believe that Senator McCain doesn't care what's going on in the lives of Americans," Obama said in his acceptance speech at the Democratic National Convention. "I just think he doesn't know. Why else would he define middle-class as someone making under $5 million a year?"

Then there are the absurd lengths to which some reporters are willing to go to protect Obama and attack McCain. Last week, the McCain campaign released an ad accusing Obama of being too close to Fannie Mae executives. In particular, it claims Obama took advice on housing and finance issues from former Fannie Mae chairman Franklin Raines. The Obama campaign protested, saying that Raines was not an adviser and had not given Obama counsel in any capacity. The McCain campaign defended the claim by citing an article that ran in the *Washington Post* on July 16, 2008. That article noted that Raines had "taken calls from Barack Obama's presidential campaign seeking his advice on mortgage and housing policy matters."

Last Friday, the *Washington Post* "factchecked" the McCain ad and concluded that the campaign had been "clearly exaggerating wildly" in order to link Obama to Raines and that the "latest McCain attack is particularly dubious."

Factchecker Michael Dobbs wrote that McCain's evidence that Raines had advised Obama was "pretty flimsy"—not a description that probably endeared him to Anita Huslin, the reporter who wrote the story this summer. But Dobbs did talk to Huslin. Here is his account of their conversation:

> Since this has now become a campaign issue, I asked Huslin to provide the exact circumstances of the quote. She explained that she was chatting with Raines during the photo shoot, and asked "if he was engaged at all with the Democrats' quest for the White House. He said that he had gotten a couple of calls from the Obama campaign. I asked him about what, and he said 'oh, general housing, economy issues.' ('Not mortgage/foreclosure meltdown or Fannie-specific,' I asked, and he said 'no.')"

By Raines's own account, he took a couple of calls from someone on the Obama campaign, and they had some general discussions about economic issues.

Got that? Huslin stands by her reporting—that Raines had given advice to the Obama campaign about mortgage and housing policy matters—and yet the McCain campaign is faulted by the *Washington Post* for relying on information that comes from the *Washington Post*.

More amusing, though, is that in the rush to accuse the McCain campaign of lying, Dobbs glosses over a major discrepancy between the story that appeared in his paper and that of the Obama campaign. Obama spokesman Bill Burton claims that the campaign "neither sought nor received" advice from Raines "on any matter." It is possible, of course, that Raines simply made up the conversations he described to the *Post* reporter. But it seems more likely, given the toxicity of Raines, that the Obama campaign would simply prefer that those conversations had never taken place.

Dobbs concludes: "I have asked both Raines and the Obama people for more details on these calls and will let you know if I receive a reply."

That's reassuring, since Dobbs has already decided that the McCain campaign has been dishonest.

Two things are clear with six weeks left in the presidential race. Barack Obama will practice the old-style politics that he lamented throughout the Democratic primary. And the media will give him a pass. ♦

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The Fair Pay Follies

Lilly Ledbetter is not quite the feminist martyr she seems. BY ERIN SHELEY

Three weeks ago at the Democratic National Convention, Lilly Ledbetter delivered a soliloquy on "fair pay" for women—a cause the Democrats are certain to highlight in the coming weeks of this increasingly woman-centric campaign. She's the "grandmother from Alabama" and former supervisor at a Goodyear Tire and Rubber plant who sued the company in 1998 under Title VII of the Civil Rights Act of 1964, claiming gender-based wage discrimination. She was also a timely reminder of Barack Obama's views on judicial activism.

In her convention speech, Ledbetter chided the Supreme Court for "sid[ing] with big business" by ruling that she "should have filed her complaint within six months of Goodyear's first decision to pay [her] less." The Lilly Ledbetter Fair Pay Act, a proposed amendment to Title VII that would have overturned the Supreme Court decision, failed in the Senate in April, but only after voting was delayed until 6 p.m. to give Barack Obama and Hillary Clinton time to return from the campaign trail and give impassioned speeches in support of the measure and pose for photo-ops with Ledbetter.

This casting of Lilly Ledbetter as feminist martyr, though, has serious problems. First, the High Court's decision in her case had nothing to do with gender discrimination as a substantive matter. It turned solely on the requirement that an employee must file a charge with the Equal Employment Opportunity Commission (EEOC) within 180 days of the discrimination occurring, which Ledbetter did not. Second, Ledbetter herself would not even have needed her namesake act to avoid this requirement if her lawyer had pressed Ledbetter's claim under the existing Equal Pay Act of 1963 instead of under Title VII.

To prove a claim of gender-motivated discrimination under Title VII, an employee must show that an employment practice (such as Goodyear's performance evaluations) was motivated by discriminatory *intent*. Ledbetter claimed her supervisor gave her poor performance evaluations during her tenure at the Goodyear plant from 1979 to 1998 because of her sex. As pay raises were tied to performance evaluations, she claimed that this discrimination resulted in her earning substantially less than her male colleagues. Ledbetter filed her suit in 1998 and relied on the fact that she had received paychecks within the 180-day EEOC window—claiming they were lower as a result of past discrimination. This is the argument that the Supreme Court rejected.

Nearly all legal claims have statutes of limitations, under the theory that, at some point, a party's interest in vindicating a wrong becomes outweighed by the broader social interest in stability, which would be greatly compromised if anyone could be sued at any time for any action committed at any point. This is especially true in the case of "big business," where the predictability of impending litigation factors into a company's value to investors purchasing its stock.

Statutes of limitations also serve a practical evidentiary function: The longer ago an event happened, the harder it is to prove in a court of law. In a suit like Ledbetter's, requiring proof of a party's intent, this concern is heightened. As the Supreme Court explained in its decision: "In most disparate-treatment cases, much if not all of the evidence is circumstantial. Thus, the critical issue in a case involving a long-past performance evaluation will often be whether the evaluation was so far off the mark that a sufficient inference of discriminatory intent can be drawn." Whether or not Ledbetter's boss was a misogynist back in 1981 is a difficult question to resolve in court in 1998.

Proponents of the Lilly Ledbetter Fair Pay Act argued that, even if the Supreme Court decided the case properly under Title VII as written, the law itself should be changed to correct the power imbalance between corporate employers and their employees and inherent limitations on the latter's ability to acquire information about employment decisions. But the law already provided a remedy for Ledbetter.

The Equal Pay Act of 1963 (EPA) prohibits the payment of unequal wages to employees of different sexes who perform equal work. Unlike Title VII, the act has no intent requirement, meaning that Ledbetter might have made out a case under the EPA based upon the pay disparity as it existed at the end of her career, even after the intentionally discriminatory evaluations were long past. Furthermore, the EPA has a longer statute of limitations: two years after a violation occurs, and three years where such violation was intentional. Ledbetter initially sued Goodyear under *both* the EPA and Title VII, suggesting that, at some point, her counsel was aware of this.

In a pretrial proceeding, a magistrate judge recommended dismissal of Ledbetter's claims on the grounds

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that Goodyear had demonstrated that the pay disparity resulted from Ledbetter's poor performance rather than her sex. Ledbetter objected to this finding, and a district court sustained this objection in an opinion that mentioned her "disparate pay claim" (the Title VII claim), but made no reference to her EPA claim. According to the record as discussed by the Supreme Court in its opinion, it appears that Ledbetter's counsel then abandoned the EPA claim altogether, pressing only the Title VII claim with its more difficult burden of proof.

Ledbetter, then, did not need the Lilly Ledbetter Fair Pay Act to wage a timely suit against Goodyear—even if one believes that Title VII's 180 days is too stingy a statute of limitations. The proposed Fair Pay Act, moreover, would have essentially abolished *any* statute of limitations for Title VII claims. An employee's receipt of any paycheck that would have been higher were it not for some prior act of discrimination—no matter how many years in the past it occurred—would constitute a new violation, thereby exposing employers to a vast amount of new litigation.

That Barack Obama supports the idea of limitless liability for employers, based solely on the identity of the plaintiff, is not surprising given the comments he has made concerning judicial nominations. In a November debate, when asked what kind of justice he would nominate to the Supreme Court, he cited "people who have life experience and [who] understand what it means to be on the outside, what it means to have the system not work for them, that's the kind of person I want on the Supreme Court." In other words, Obama's ideal justice might deliberately avoid construing the law as written, when doing so would allow "the system" to triumph over a sufficiently sympathetic litigant.

The spotlight on Ledbetter at the Democratic National Convention was less disturbing as a political eulogy for a bad bill, than as a reminder that an Obama victory could mean a new era of judicial activism. ♦

It Will Always Be 1965 . . .

To the voting-rights activists.

BY EDWARD BLUM

Whenever the NAACP, People for the American Way, the American Civil Liberties Union, the Mexican American Legal Defense and Educational Fund, the Lawyers' Committee for Civil Rights Under Law, and the Public Citizen Litigation Group intervene in a lawsuit, it is safe to assume they believe much is riding on the outcome. And, indeed, much is.

In early October, the Supreme Court will be presented with one of the most important voting rights cases of the last two decades. The case, *Northwest Austin Municipal Utility District Number One* v. *Mukasey*, will decide the constitutionality of Section 5 of the recently reauthorized Voting Rights Act. If the plaintiff—a small, residential subdivision of 3,500 people north of Austin, Texas—prevails, racial gerrymandering, among other distortions to our body politic, will be greatly diminished. So it comes as no surprise that these groups—all of them defenders of racial gerrymandering—have joined the fray.

Although the lawsuit is complex, the central issue to be resolved by the justices is whether Section 5, a "temporary" provision of the 1965 Voting Rights Act, can still be applied today to a handful of mostly southern states and jurisdictions, which include the Austin district.

Section 5 forbids all of nine states (mostly the old Confederacy, plus Arizona) and parts of seven others from enacting any change to voting practices or procedures without the consent of either of two entities of the federal government—the attorney general or the District Court for the District of Columbia. Any change—from moving a polling location across the street to an entire congressional redistricting—must be preapproved (or, in the lingo of the statute, "precleared"). The only way a jurisdiction can escape this federal oversight is to exercise the statute's "bailout" provision, which allows a covered jurisdiction whose record of nondiscrimination satisfies the Justice Department to be exempted from the preclearance requirement of Section 5.

This section was set to expire after five years, in 1970, but it was repeatedly reauthorized by Congress, for the third time in 2006. It is now slated to expire in 2032, 62 years later than originally intended.

The preapproval requirement of Section 5 is unique in our nation's legislative history. Neither before nor since has Congress enacted a law like this one, which compels a state or one of its sub-jurisdictions to seek permission from the federal government before one of its own laws or rules can go in effect. Section 5 imposes a guilty-until-pronounced-innocent standard on nearly 25 percent of our nation's population. It is the greatest affront ever to our system of constitutional federalism.

Nevertheless, in the Jim Crow South of the 1960s, the preclearance provision of Section 5 was indispensable. Without this draconian

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measure, the Voting Rights Act's central mission—ensuring blacks could register and vote—would have gone unmet. After all, for decades, southern officials had successfully engaged in pernicious, never-ending gamesmanship to disenfranchise blacks. In 1965, Congress had volumes of empirical evidence to justify this extraordinary requirement.

But that was then. To our nation's credit, every official Jim Crow-era voting barrier—most important, the literacy test—is gone. As one election law scholar told Congress during the reauthorization hearings, "Bull Connor is dead."

Congress should have allowed preclearance to expire in 2006. Unlike in 1965, no evidence exists today that shows systematic, widespread disenfranchisement of black (or Hispanic) voters in the jurisdictions covered by Section 5. Not only is Bull Connor dead and buried, but by every factor social scientists use to measure electoral opportunity for minority voters—registration rates, election participation, and success of minority candidates, to name a few—minorities actually outpace whites in most Section 5 jurisdictions. A study conducted by the American Enterprise Institute shows that there is no quantifiable difference between minority voting rights in covered and uncovered jurisdictions. In other words, requiring Texas, Arizona, and Virginia to have their local laws preapproved by Washington, but not Arkansas, New Mexico, and Tennessee makes no sense in 2008.

Quite apart from the federalism issue, by the late 1980s, three developments were turning Section 5 of the Voting Rights Act on its head, transforming it into something well beyond the bounds of the original intent into a mechanism for creating safe majority-minority voting districts.

First, the spread of powerful software combining geographic information with census and political data made it possible to see the racial and ethnic makeup of any census block in the country, as well as the voting patterns of each block in dozens of previous elections. This made it possible to create voting districts by stringing together extremely small race-specific geographic units, however tangentially connected. In other words, racial gerrymandering skyrocketed.

The second development was the accelerating growth of suburbs. In Section 5-covered jurisdictions like Houston, Birmingham, Atlanta, Charlotte, and Richmond, blacks (and later Hispanics) were moving out of homogeneous ghettos and barrios and into more multiracial suburban neighborhoods. Hence, creating racially homogenous voting districts now required just the sorts of redistricting contortions that the new software made possible.

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Finally, the Supreme Court's jurisprudence concerning the Voting Rights Act and Section 5 evolved away from protecting the rights of individuals and toward promoting the electoral effectiveness—or "fair representation"—of racial and ethnic groups.

In order to comply with Section 5 today, legislative redistricting bodies are methodically harvesting blacks and Hispanics out of multiracial, multiethnic districts in order to create uncompetitive, bizarrely shaped majority-minority districts. This usually fosters the election of far-left, minority Democratic candidates in the gerrymandered districts and far-right, white Republican candidates in the districts denuded of minorities. Because candidates in these safe districts have little need to temper their positions in order to court voters of divergent points of view, the first victim is legislative compromise.

A few months ago, a three-judge panel in the U.S. District Court for the District of Columbia ruled against the little Texas district in its suit to bail out of Section 5. The district argued—and is arguing again on appeal—that if it is denied bailout, then the preclearance requirement of Section 5 is unconstitutional.

Now the Supreme Court must either affirm the lower court's ruling or take the case up for oral argument. If the case is taken up, as many legal observers expect, the groups that have intervened will assert that striking down Section 5 would turn back the clock on minority voting rights.

They're wrong, of course. If anything, ending racial gerrymandering and the "political apartheid" it engenders would strengthen, not weaken, the voice minorities have in our electoral system. Even Justices Stevens and Souter in a case decided earlier this year expressed skepticism about Section 5, noting, "It may well be true that today the statute is maintaining strict federal controls that are not as necessary or appropriate as they once were."

Let's hope a majority of the justices see it that way. ♦

An Unfortunate Israeli Export

Counterterrorism expertise.

BY PETER BERKOWITZ

Herzliya, Israel

Conventional wisdom—particularly on the left—has it that the Bush administration's bull-headed unilateralism has fueled a worldwide epidemic of anti-Americanism that has undermined global cooperation. This is of a piece with the widely held view—all too common among international human rights lawyers—that Israel's systematic violation of Palestinian human rights has rightly made the Jewish state a pariah among nations. That these beliefs exaggerate the discord between America and the world and overlook the powerful interests linking Israel and America to the community of nations was vividly brought home here earlier this month at the eighth annual World Summit on Counterterrorism, attended by several hundred practitioners and academics from more than 50 nations.

Sponsored by the International Institute for Counterterrorism (ICT) at Israel's leading private institution of higher education, the Interdisciplinary Center at Herzliya, the conference featured keynote addresses by former prime minister of Israel Benjamin Netanyahu and Gilles de Kerchove, counterterrorism coordinator for the European Union. Israeli minister of public security Avi Dichter and U.S. ambassador James Cunningham spoke at the moving final ceremony, held by design on September 11. That the ICT conference has become one of the largest and most important gatherings of counterterrorism experts in the world is of no small significance for understanding the civilized world's response to the war waged by transnational terrorists against it.

Certainly the people gathered at Herzliya—government decision-makers and diplomats, members of the military and police, intelligence officials, and private consultants and scholars, from Afghanistan, Argentina, Australia, Bosnia and Herzegovnia, China, France, Germany, India, Indonesia, Italy, Iraq (yes Iraq!), Japan, Jordan, Nigeria, Peru, Russia, Serbia, Singapore, South America, Spain, Sweden, Thailand, Turkey, the United Kingdom, the United States, and more—seemed not to have gotten the message that working with the United States and Israel is disreputable or contrary to international norms. Despite the varied interests that divide them, these states and all others share a powerful interest in fighting terrorists—those who, to take a narrow definition, aim to subvert internationally recognized governments by targeting noncombatants.

And no country has acquired greater experience in fighting terrorism under law than Israel. In the State Department's Country Reports on Terrorism 2007, the discussion of the terrorist threats faced by Israel is almost twice as long as the discussion of those faced by any other state, including Afghanistan, Pakistan, and Iraq. Indeed, since its birth 60 years ago, Israel has never known a day in which its government, its military and internal security services, and its civilian population did not have to protect the nation from terrorists determined to destroy it. The country's round-the-clock efforts to combat Hamas terror emanating from Gaza and the

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West Bank, and the multiplicity of threats presented by the Iranian-sponsored Hezbollah in Lebanon have made Israel a laboratory for testing counterterrorism methods.

To assure its survival, Israel has been compelled to develop expertise in acquiring and analyzing intelligence; in detaining, interrogating, and prosecuting terrorists; and in capturing and killing—in refugee camps, in towns and cities, on open terrain, and across borders—a ruthless enemy that utterly rejects the constraints that international law imposes on warfare. At the same time, to vindicate its liberal and democratic principles, Israel has sought in the fight against terrorism to respect the liberties of its citizens and the human rights of its enemies.

So the civilized nations of the world have much to gain from Israel's hard-won counterterrorism know-how. And Israel has much to gain from the friendships formed in sharing it. This was well understood by the ICT's co-founder and executive director, Boaz Ganor (this year my colleague at the Hoover Institution as the Koret distinguished visiting fellow). Established in 1996, the ICT—which offers a B.A. concentration, an M.A. program, and executive education—brings together scholars and senior figures from Israel's security community. The annual international conference reflects the same commitment to synthesizing the insights of thinkers and doers.

At this year's conference, plenary sessions dealt with the evolving threats of international terrorism, strategic and operational challenges, and future trends. Workshops addressed, among other matters, state conflicts and nonstate actors, terrorism in Europe, terrorism in Israel, terrorism in Latin America, terrorism in Lebanon, global jihad in Africa, the radical Islamic media, terrorist threats to water supplies, terrorist threats to aviation, counterterrorism policing, and the prosecution of terrorists.

While it would go too far to report that the conference achieved a clear consensus, the lectures, panel discussions, and between-sessions schmoozing did furnish ample support for several general conclusions.

First, notwithstanding the Bush administration's success in protecting the United States from terrorist attacks since September 11 and Israel's success in putting down the vicious waves of suicide bombers that Yasser Arafat unleashed in September 2000, the United States and Israel as well as countries around the world are increasingly vulnerable to catastrophic, mass-casualty attacks.

Second, the terrorists have not only mastered the use of the Internet to disseminate their message, recruit fighters, and communicate among themselves. They have also shown great skill in manipulating Western media to take their point of view while also establishing their own broadcasting companies such as Hezbollah's Al-Manar TV and Hamas's Al-Aqsa TV. Accordingly, civilized nations must find ways to disrupt and shut down terrorists' exploitation of the Internet and traditional media, and to counter terrorists' success in using the Western press to promulgate their propaganda.

Third, the fight against transnational terrorism—which already involves unprecedented cooperation among nations—requires a great deal more pooling of resources and sharing of knowledge: As Ganor likes to say, "It takes a network to beat a network."

Fourth, to weaken the forces of radicalization at home, civilized nations must address Islamic communities' real grievances, provide educational and economic opportunities, reach out to reformers within Islam, ensure that the rule of law and the democratic ideal are extended and upheld in all segments of their own societies, and, where possible, work to fortify liberty and democracy abroad.

Fifth—and the key to all the others—the West must summon the political will to maintain focus over the long haul to prevail in a struggle that could last a generation or more and in which the enemy can lie low for months or even years on end and then, thanks to ever more lethal, ever less expensive, and ever more mobile weapons of mass destruction, strike suddenly with devastating impact.

These conclusions suggest that terrorism ought to be a topic of intense concern to the world's sole superpower as it hits the home stretch of a critical presidential election. Yet neither candidate has candidly discussed the threats to the homeland. Nor has the press, preoccupied with defending the nation against a Palin vice presidency, sought to hold the candidates accountable.

Perhaps next year's World Summit on Counterterrorism could devote a session or two to the need to educate politicians, the press, and the public about the impressive work that is already being done, and the urgent and enormous challenge that remains, in the battle against transnational terrorism. ♦

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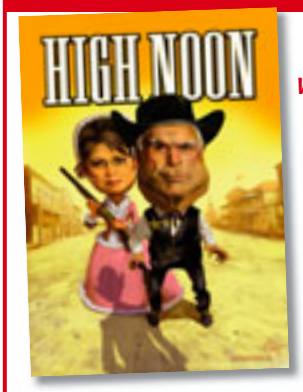

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High Anxiety

We went from playing inflation-era Monopoly to playing depression-era Monopoly in mid-game.

By Lawrence B. Lindsey

Friends and tradesmen, not to mention clients, have all been asking me the same question in the past few weeks. Is this 1929? Are we headed for a depression?

Let's begin with the somewhat reassuring point that even if we are headed for a depression, it will not be like the memories or pictures in history books we have of the 1930s. In 1929, Americans had the per capita GDP of people now living in the Balkans. Today it is five times higher. So even if we have a depression, there won't be any Hoovervilles or soup lines. There may be a massive increase in demands for public assistance and rental housing, but this is hardship, not the privations of the 1930s.

We have learned from what happened back then and from Japan's experience in the 1990s. We will probably not make the same mistakes. We will, however, make other mistakes (and indeed we already have). Although conditions change, the basic human motivations of fear, greed, ignorance, and hubris are enduring.

Keep in mind as we go through these tough times that even the smartest people can be wrong. Isaac Newton lost money in the South Sea Bubble. He not only figured gravity out, but was Master of the Mint, as close to being a central bank governor as one could be back in the seventeenth century. Recognizing the developing bubble, he sold his position. Then, when prices continued to rise, he decided that he must have been mistaken and bought back in just before the top, ultimately losing a small fortune.

More than three centuries have passed, but the model is still the same. A great idea comes along that has some grounding in economic reality: exotic spices from afar; the beauty of tulips; canals as the hot new mode of transport; railroads making canals obsolete; a radio in every home or a car in every garage; the Internet and dot commerce; home prices that can only go up. Those who first pursue the idea make money. They tell their friends, and their friends pile in. More buyers mean higher prices for assets related to the core idea. Lenders, seeing a new idea whose price is rising, lower prudential standards as those investing in that idea have all made money and never defaulted on their loans. Higher asset values means improved balance sheets, a greater feeling of economic security, and so even more willingness by all parties to borrow and lend.

We all fell for it again. Who do you think we all are? Geniuses like Newton?

Most readers, I trust, have played the board game Monopoly. But probably few of us actually play by the original rules, which provide insight into hard times. One popular embellishment of the original version is to pool all the money collected from Chance, Community Chest, Income Tax, and Luxury Tax and pay it out to the person who lands on Free Parking. Some expand this further, adding one of every kind of bill (a total of $686) to the take of the lucky player who lands on the space that the original rules designed as a free space where nothing happens. Improvisations like this turn a game originally designed for adults

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in the hard times of the 1930s into a much faster "Inflation Era" Monopoly, a game in which even children can accumulate cash and have a good time. Indeed, the desire to use the game to teach children the rudiments of money and economics in a manner which is fun is one of the reasons most players end up changing the rules.

The biggest rule change most contemporary players use, though, is to have the bank pay the owners of houses full cost when they sell them back or "liquidate" them. The original rules paid the owners only half. This changes the game completely. Property development becomes a very risky proposition rather than a sure thing. The pace of "economic activity," building houses and hotels, is excruciatingly slow as the money supply in the game is restricted to the income supplied when players pass GO and the risk of losses is high. Then, after a long process of building, just as the game board gets nearly fully developed, an economic accident occurs when one of the more aggressive players hits Street Repairs in Chance or Community Chest and must liquidate his holdings at fifty cents on the dollar. Wealth is destroyed and houses and hotels crumble. Welcome to Depression Monopoly.

I stumbled on this when trying to explain what was happening in the economy to my 16-year-old son with whom I had played many games of Monopoly under the inflation version of the rules. We had found the 1930s version too demoralizing, quit before finishing the game, and resolved that, whenever we played with my younger son, we would use the inflation version, pumping as much money in through Free Parking as possible and definitely giving full price for houses. The American economy has just moved from the Inflation Monopoly rules to the Depression ones in mid-game.

The depression-era board game Monopoly is often sped up through 'Inflation Era' tweaks that pump in as much money as possible and ensure full price for houses sold back to the bank. Similarly, the American economy has just moved from the Inflation Monopoly rules to the Depression ones in mid-game.

For at least the past 15 years, house prices have risen in most parts of the country. Money was ample. Fortunes were made by acquiring as much land as possible and developing it. Risks were minimal. If you ran into an unforeseen event and had to sell, you could get at least as much as you paid for the house, repay the bank, and move on with a small profit. It was such a sure thing that a record number of American families bought second homes. Owning rental housing became fashionable again for the first time since the 1980s when tax law changes converted it from the one-of-each-bill version of Free Parking into the economically neutral "free space" version.

Our financial institutions evolved to meet the new rules. Lending that required the traditional 20 percent down payment became passé. In 2006, the median down payment for first-time homebuyers was just 3 percent. Proof of income (i.e., that when you passed GO you would collect $200) became optional as did basic tests of past ability to repay debts.

Most important, the accounting and regulatory rules for holding reserves against these loans evolved from hard and fast provisioning to ones based on "historical experience," meaning the low default rates of the past few years with prices only going up. These provisions were not adequate when prices went down. The reason our financial institutions are in trouble is that they are now taking back homes on which they lent 90 cents on the dollar, but which their owners can only sell for 75 or 80 cents. So, even if the bank repossesses the house, it loses money and does not have adequate provision for the loss.

The problem got more complex as financial institutions borrowed and lent to each other, creating a so-called counterparty risk. When one institution got into trouble, it sud-

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denly couldn't pay its counterparties. That meant the other institutions began to run short of cash as well. Cash-short financial institutions had to start dumping financial assets, typically securities backed by real estate, into the market thus depressing prices further. This produced another round of problems for financial institutions and a downward spiral.

Authorities responded by trying to arrange deals where relatively healthy institutions bought the ones on the verge of bankruptcy. In the case of Bear Stearns, they succeeded in getting J.P. Morgan to deal only by agreeing to absorb potential losses up to $29 billion. But the list of potential purchasers is now getting very slim.

Whenever a financial institution expands by buying another, less solvent, institution, its own capital position is weakened. So, this phase of industry consolidation through government-encouraged acquisitions will prove quite limited. Collectively, the amount of capital that exists in the entire financial services industry is already stretched, so unless more capital is injected from outside the system, some institutions will inevitably not find buyers and will fail. (This is what happened to Lehman Brothers.) And when an institution fails, losses due to counterparty risk ripple through the system. The collective amount of capital in the financial services industry drops still further, forcing still more failures.

Even the smartest people can be wrong. Isaac Newton lost money in the South Sea Bubble, selling his position and then, when prices continued to rise, deciding that he must have been mistaken and buying back in just before the top. Ultimately, he lost a small fortune.

This is why so many people are now wondering if we are headed for an economic depression. This dynamic of spiraling failure is eerily reminiscent of what happened in the early 1930s—just as there are many good analogies between the 1920s and what has happened in our economy since the early 1990s. There are important differences, of course, but since most of us are really mini-financial institutions, the issues are not merely of academic interest. A digression into economic self-preservation in a game of real-life Depression Monopoly might be useful.

First, readers would be well advised to actually sit down and write up a budget if they have any doubts about whether their current income is covering their bills. Just to be clear, expenses include not only the minimum payment on an item like a credit card, but all the charges incurred in the month *plus* the minimum payment. And income does not include any draws on saving or home equity lines of credit. I once went through a budget exercise with a struggling 20-something and asked why he didn't have anything budgeted for gasoline for his car. His response was that he simply put it on his credit card so it didn't count as long as he was making the minimum payment.

Second, people should make sure that they have at least three, and ideally six, months' income saved in a place where they can get at it readily like a bank account or money-market fund. This is on top of items like retirement saving and college accounts.

Third, once this threshold is met, it is doubtless a good idea to start reducing debt, particularly on credit cards and auto loans. These are about to get much harder to obtain as the credit crunch inevitably spreads from the commanding heights of the financial sector into the consumer credit arena. It will not be surprising to see the limits on credit cards lowered sharply, fees for holding cards rise, and auto loans tough to qualify for. The goal for households should be to be able to use credit cards for convenience only—paying the bill in full each month—and to have the ability to pay cash for larger purchases like a car.

Finally, for those lucky enough to meet the above criteria, where one deploys one's assets becomes a serious matter in the current environment. There was a saying in the 1930s that you should not have all your eggs in one basket. It meant spread the assets around. In the calm environment of the last few decades this dictum was rejected for the convenience of one-stop financial shopping. You might want to consult a financial adviser or at least inquire at the institutions where you have assets what the insurance limits are and under what circumstances your assets can be seized by creditors of the institution. This means asking questions about deposit-insurance limits, the assets backed by money-market funds, and whether your investments are in custodial accounts.

It is sad that we have to waste time in our busy lives worrying about things that people have not had to concern themselves with since the 1930s, but, frankly, aside from officials at the Fed and Treasury, the political

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leadership in both parties seems clueless about what is happening. Their inattention to these matters has contributed to our current mess, and this must change now.

First, President Bush should ask Congress to immediately remove the limit on FDIC insurance for transactions accounts at banks. This is central to protecting the payments system that allows the economy to function. Currently the cap is $100,000, which might seem like a lot, but barely covers the biweekly payroll and vendor costs of a company with a dozen employees. Once there is a commercial bank failure in which uninsured depositors see their accounts frozen, ripple effects will start to emerge that will end with a run on the banking system. Small and larger businesses alike will have no choice but to seek safe havens for their working capital, as will well-off individuals for the money they use to meet monthly expenses.

HAL MAYFORTH

Second, politicians and regulators need to decide on the appropriate rules for reducing consumer credit lines once delinquency rates start to rise or market conditions make carrying credit card receivables—the amount of money you owe on your cards—difficult for banks. Currently these decisions are made by rules programmed into computers that were established when few thought we would ever see the kinds of credit conditions we are experiencing today. Prudent cash management by credit card companies will come into direct conflict with the credit needs of the household sector and the ability of the economy to sustain both spending levels and employment.

Third, and most important, policymakers are going to have to force us back from the current Depression Monopoly downward spiral toward the Inflation Monopoly arrangements. This is not as obvious a choice as one might expect. As recently as late summer Fed officials were expressing concerns about inflation being their main challenge, and politicians of both parties found it easy to oppose "bailouts" of seemingly well-heeled financial institutions, their owners, and their employees.

I realize that we risk rekindling all the imprudent behavior and excessive leverage that comes under the phrase "moral hazard" by trying to change the rules back. But continuing along our current track also involves morally dubious risks, like widespread unemployment and household and business bankruptcies. In this global economy, it also involves noneconomic risks that are reminiscent of the 1930s. Do we really want to chance the hundreds of millions of people who have joined the global middle class during the last decade dropping back into poverty? Do we think this can happen without geopolitical consequences? Despite some disappointing comments on the credit crisis, at least John McCain seems to understand the links between free trade and global security issues, something his opponent apparently fails to grasp.

The government's decision on Thursday to buy mortgage-backed securities—adopting the "full price for houses" rule—is a major step toward propping up the mortgage market and the financial industry. It was coupled with a variety of other rule changes that constitute a big step back toward "Inflation Monopoly." But as with any change in the rules there are going to be a lot of unintended consequences.

Start with the centerpiece of the plan, the purchase of mortgage-backed securities by the Treasury. This should help prop up prices, at least initially. But, there are some unusual aspects to the rule change. The government is purchasing assets from financial institutions that are still solvent, i.e., still playing the old game. Back in the days of the 1989 Thrift Bailout and the Resolution Trust Corporation, the government simply assumed the assets of any bankrupt institutions that the FDIC had to step in and insure. This time, ongoing businesses will have to decide which assets to sell and at what price.

In our Monopoly example, imagine you need cash and own Park Place but haven't been able to make a deal with the owner of Boardwalk. The government will take it off your hands, but for a price that is yet to be deter-

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mined. One problem: You and the other players don't know if the government is going to turn around and auction the property off, allowing the player with Boardwalk to buy it. If so, that other guy might make a huge windfall at your expense and at the expense of the other players.

Also, this appears to be a onetime deal from the government. Should you sell now or take your chances in the market place? Say you own the three Yellows and have invested in placing three houses on each. You're solvent, but no one has landed on your houses leaving you cash strapped and disillusioned about the value of your investment. If you sell now to the government, they are probably going to give you something close to full value for those houses. But, property values are still depressed and the government now owns a ton of property and the financial paper behind it that could be dumped on the market at any time. So, if you don't sell to the government now while they are offering to buy at something close to full price, you could be forced to dump those houses in the market at half price sometime in the future. Thus, the government may have set up the incentive structure to take on more property, and more taxpayer risk than might otherwise have been the case.

People should make sure that they have at least three, and ideally six, months' income saved in a place where they can get at it readily like a bank account or money-market fund. This is on top of items like retirement saving and college accounts.

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Another example of unintended consequences has to do with the decision to insure money-market funds. Treasury officials probably thought they had to. (An estimated $180 billion came out of the funds on Thursday alone—giving some idea of how quickly a bank run can develop and how large the magnitude could be.) But, the Treasury is not insuring the uninsured depositors in the banks. Likely consequence: a run of money out of the banking system and into the newly insured funds. That's what happens when you change the rules suddenly.

To make things more complicated, the Securities and Exchange Commission placed a temporary ban on "short-selling," i.e., making a bet that the price of a stock would go down and also changed the rule that allowed companies to buy their own stock on the open market. They did this on a day when trillions of dollars of stock options came due, thereby manipulating the price of stocks higher. Serious questions are now being raised all around the world about whether or not U.S. markets are being politically manipulated.

Finally, it is far from clear that the Federal Reserve is going to be monetizing this process, or whether the financing is just going to be through more government debt in the market. If there is simply more debt, there will be little long-term increase in economic activity as the higher Treasury borrowing crowds out other investment. Continuing our Monopoly analogy, unless more money is pumped into the game through Free Parking or other devices and on a continuing basis, there will still not be enough money in the game to assure the profitability of all the houses and hotels that have been built. The odds are high that the Fed will ultimately print the money, and in volumes equivalent to giving players one of each kind of bill, but a formal decision on that still lies ahead.

It is very hard to play a game in which the rules change continuously. Once the novelty wears off, much of the fun will have gone out of the game as players will not know how to develop a winning strategy. This is even more true when the game is real and one's life savings is at stake. The government's ad hoc approach to the rules of the game to date—soon to be followed by investigations by state attorneys general and federal agencies and endless litigation—has probably permanently impaired the attractiveness of U.S. financial markets. That is a price we all are going to pay for decades to come. As we are all learning, Depression Monopoly is no fun to play. ♦

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The Palin Effect

Her enemies are bellowing like a wounded moose.

By Noemie Emery

Now that the dust is beginning to settle from the whirlwind descent of Hurricane Sarah, it may be time to stand back a little and assess in perspective what the moose-hunting beauty from Wasilla, Alaska, has wrought. Things will change between now and November, but she has already had a sizeable impact, and four major themes do stand out:

1. Call off the funeral. Three weeks ago, the wisdom was that the conservative movement was over and done with. It had burned itself out, taking the Republican party down with it, and setting the stage for the biggest explosion of liberal governance since perhaps the New Deal. Ever since November 2006, when the roof quite deservedly fell in on the Republican Congress, liberals have declared that the Reagan Era—first pronounced dead in 1982, then in 1986, then in 1988, then in 1992, then again in 1998-2000, and of course dead for good in 2006—was at long last finally going to receive the burial it deserved.

Around the deathbed, fierce battles broke out, about what was to be done and who was to do it, whether the movement should trend left, right, or center, whether the movement needed to take on new ideas or strip down instead to some idealized prior condition, circa 1994, circa 1980, or even 1964. Battles broke out over issues domestic and foreign; solutions were bruited that urged purging, if not amputation, of competing and varying wings. It was the fault of the right, or the fault of the center; the fault of the theocons, the fault of the neocons, or the fault of the libertarians, who didn't feel people's pain. The Reagan coalition was there in its elements, but divided, like Gaul, into three different parts: There was a preacher, Mike Huckabee; a hawk, John McCain; and an entrepreneur, Mitt Romney. Each annoyed part of the base, and no one thrilled that many. Meanwhile, the party brand languished. Everyone assumed it would take years in the wilderness before it all came together. Then, as of midday on August 29, all of this changed.

McCain's surprise pick of Sarah Palin easily surpassed Bill Clinton's 1992 pick of Al Gore as one of the few transformational choices in modern political history, one of the few that recast and updated the image of the party, changed for the better the way that the head of the ticket was seen by the public, and made the whole ticket more than the sum of its parts. It rebranded the party and fused it together, focused a light on the new generation, and was McCain's make-up nod to the base of his party. He didn't apologize to the base for his previous heresies, didn't promise he might not dismay them with some new ones, but he signaled that he did not see them as enemies, that they were, in spite of their differences, on the same team.

Palin united the right and center, the base and the mavericks, proving the key is not conformity, but a set of large common interests around which different parts, keeping their differences, still can cohere. In this context, it seems now that the message of the 2006 midterms was widely misread. It was not a rejection of the entire conservative project, but of the scandals and misdeeds with which it was burdened: Mark Foley/Jack Abramoff; Hurricane Katrina; the post-invasion mistakes in Iraq. People wanted Change after 2006, and Change was what they got. Bush changed his Iraq policy and seems now on the verge of attaining a victory. He changed his response to domestic disasters, and the new spate of hurricanes has been handled impeccably, with a major assist from Republican governors. Few Republicans have misbehaved lately, at least since Larry Craig was caught tapping his feet at the airport, and the more flagrant scandals have afflicted the Democrats. In the wake of the Palin pick, the numbers in the generic polls started to shift: edging away from Democratic preponderance that prevailed from late 2006 onward, swinging back to the 50-50 (or 49-49, or 51-49) balance that existed through most of the past decade. Republicans may not win, but they will not receive the massive rebuke most expected, and even a slim loss will send the party ahead, energized, and with a new set of leaders. The cause, it seems, was not dead; it was dozing, or maybe hung-over. And now it's awake.

Noemie Emery, a Weekly Standard *contributing editor, is author most recently of* Great Expectations: The Troubled Lives of Political Families.

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Palin people at a rally in Lebanon, Ohio, on September 9

ROBYN BECK / AFP / GETTY IMAGES

2. Angry White Women. Palin's pick was a hand grenade tossed into the old-fashioned feminist movement's aged and tottering hulk. "Can someone please tell me what the hell happened?" pled Michelle Cottle of the *New Republic*, as Sarah made landfall. Well, here is one answer, as George Jonas put it in Canada's *National Post*: "The office for which Hillary Clinton strove with merciless determination for a lifetime, only to see it snatched away from her in the 11th hour, could fall into the lap of Sarah Palin, a populist outsider, who hadn't prepared, or even looked, for the job." The horror. "A slap in the face to all women," Cottle called it, especially to "any woman who seriously supported Hillary in this race." Much more was coming, in much the same tone. "I find it insulting to women, to the Republican Party, and to the country," said Sally Quinn in a *Newsweek/Washington Post* blog. In the *Baltimore Sun*, Susan Reimer found Palin's selection "insulting on so many levels" that she barely could name them. Ruth Marcus, reading from the same cue cards, sputtered in the *Washington Post*: "I found Palin's selection . . . insulting." Google the phrase "Palin's pick is insulting to women," and you come up with 943,000 entries. Is this a plot or a stunning coincidence? Or possibly both?

At the same time the Quinns and Marcuses were declaring themselves affronted beyond all endurance, and declaring that women were far too independent, too diverse, and too clever to move as a herd in any direction; they were also asserting, on behalf of all women, that all women would surely reject this cynical, ham-fisted ploy. How stunned they must have been several days later when polls showed a move to McCain by white women and by independents. How could this have happened? Well, they might have found a few clues in the polls, which would have told them the abortion rights extremism they back is a minority viewpoint, polling only a few points higher than the pro-life extremism they dismiss as a fanatical fringe aberration. They would have shown that women are not more pro-choice than men are, in fact they are less so, and that in the 2004 presidential election, George W. Bush carried white women by an 11-point margin. These were hints that not all of the sisters were lined up behind them, but what are facts when one is in the grip of delusion and arrogance? As Jonas noted, "There are two kinds of feminists: those who want to see the presidency available to women, and those who want the presidency available to card-carrying, licensed, and agenda-certified female feminists. . . . McCain's choice

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made the second kind livid . . . so close to power, with a woman so far removed from every reason for which to exercise it." So they lied all along when they said they wanted to help and empower all women. Who knew?

So the old-fashioned feminists have fallen back on the old theme of false consciousness; that women who don't agree with them aren't really women at all. This has been used before—even against Hillary, as when abortion doyenne Kate Michelman endorsed of all people John Edwards as being the best woman, or the best man for women, in the Democratic primary race. We know how that worked out. (On the other hand, he surely was the prettiest, and, as he seems to be supporting Rielle Hunter in style, Michelman may have been right.) Hillary's backers, though, appear to be split, with some in really high dudgeon at Palin, while others show muted pleasure in Obama's discomfort. One Hillary fundraiser even started a website to track sexist slurs. All in all, gender politics is a delicate subject. As one blogger on the right observed, "the thought of watching progressives tie themselves in knots over the next two months trying to square the inevitable attacks on the 'bimbo' beauty queen with poor, poor Hillary's sexist treatment by the media is worth it even if we lose."

McCain picked Palin for a number of reasons—youth, pizzazz, energy, appeal to the base and to middle-class women, to the West and to blue-collar voters—but it may turn out that the main contribution she makes is in goading the Democrats into spasms of self-defeating rage.

3. Hillary's Angle. As fate had it, the phone finally rang at three in the morning *chez* Hillary Clinton, and this time, it was a true crisis: It was Barack Obama, begging her to save his rear end. Having beaten her in a long, angry battle, in which she and her friends thought his behavior and that of his friends had been sexist, after having broadcast the fact that she wasn't even on his medium list for vice president, he is now asking her without the title to take on the role of de facto vice president, i.e, head attack dog in dispatching the woman who now has stolen her chance to make history. As Amy Holmes put it on CNN's website, "In a strange twist of logic, the Obama campaign is touting the woman they passed over as the woman they need to beat the woman the other guy picked." That sound you hear—along with a small snort from Hillary—is the weight of power in the Democratic scale sliding back to the side of the Clintons. After he made a point of stressing how little she matters, he now seems to need her more than ever. And she, of course, does not need him.

Rather the opposite. If Obama wins, she gets to see her party in power, if that is her object. The problem is that the party is no longer hers. Or hers and her husband's. If Obama wins, the Clintons become history. They also slip down considerably on the great grid of power: She is eclipsed by a president who defeated her, a first lady who hates her, a loquacious vice president with a large, lively family, and a legion of people who early on threw in their lots with Obama, and have prior claims upon him and his loyalty. She becomes in effect a footnote to history, remembered perhaps for her personal dramas, her historic run in the primaries no longer remarkable, but overshadowed by Sarah Palin's run for vice president. Win or lose, Palin becomes the country's most visible she-politician, culture phenomenon, as well as the best bet to succeed John McCain at the head of her party. Hillary is yesterday's news, and has the rest of her life to brood on the mistakes that caused her to lose—very narrowly—the great prize she wanted and pursued, some will tell you, for the past 30 years.

This changes, however, if McCain wins. At once, she becomes the most important Democrat, the shipwreck survivor, the frontrunner for her party's 2012 nomination; the road not taken; the one that, if followed, would have led to the outcome for which her party has struggled so long. For four long years, she will be saying "I told you so"—to the super-delegates who didn't flock to her even when she won all those big primaries; to Obama, now back in the Senate, who didn't name her when he had his big chance. A deflated Messiah, a wünderkind who couldn't quite hack it, Obama would join Al Gore and John Kerry in the weary line of pitiful losers who tried and failed to match Bill Clinton's success. Bill Clinton himself becomes the Big Dog again, the one shining light in the overall darkness, the only Democrat to be elected twice since Franklin D. Roosevelt, the most successful Democrat since the mid-1960s, when Lyndon Johnson's luck, along with his party's good fortune, ran out. (Granted, this is a fairly low bar to get over. But still.) If you were Hillary Clinton, which prospect would you find more appealing? Let's guess.

For the time being, Hillary Clinton appears less than eager to help Barack Obama out of the hole that he has dug. "Clinton advisers," the *New York Times* reported on September 5, "say that Mrs. Clinton wants to do everything

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Palin greeting supporters at a campaign rally in Carson City, Nevada, on September 13

MAX WHITTAKER / GETTY IMAGES

she can to elect Mr. Obama, so that she cannot be blamed if he loses—yet she also does not want to be too closely associated with him if he does." Hillary, who sees herself as presidential, does not want to lower herself by getting into a brawl with the other side's second tier candidate (that's the job of the veep pick, which she was not offered), but hasn't seemed to be going much after McCain either, stressing policy differences, and refraining from personal onslaughts. She seems to be attacking generic Republicans, on behalf of generic Democrats, who aren't often identified. As the Associated Press put it, "The most she'd say about Mrs. Palin is that she and presidential candidate John McCain 'are not the change that we need.'" Bill Clinton himself has had kind words for Palin. As the *Boston Herald*'s Jules Crittenden wrote on his blog, "Obama may want to do the math on that 'enemy of my enemy is my friend' thing, and make sure he's figured it right."

Ever since Sarah Palin entered the campaign, both she and Hillary Clinton have observed a well-behaved truce. In her first speech, Palin praised Clinton (and 1984 Democratic VP nominee Geraldine Ferraro, both of whom crossed swords in the spring with Obama), and Clinton responded with a gracious and welcoming note of her own. Since then, neither of these two extremely acute politicians has uttered a cross personal word. They say they respect each other, and they may in fact do so: Many conservatives, to their own stupefaction, ended up admiring Hillary's grit under pressure. But Palin also hopes to peel off some of Hillary's voters, and Hillary has no intention of damaging her own future chances in a cat fight with another popular woman in the interests of her old foe. Clinton and Palin have key things in common: Each knows the other is an icon to millions of women; each sees a political future that goes beyond this election, and each senses potential in at least some of the other one's followers. Hillary's feminists and Palin's pro-life evangelicals are safely locked into their parties, but there is a much wider swath down the middle that appears to be open to both.

The truth is that Hillary's feminists were never the key to her primary victories. Her triumphs in the big states that were so impressive—Ohio and Texas, Pennsylvania, Kentucky, and West Virginia—were fueled by (Andrew) Jacksonian voters, in less elite venues, who found her the more *conservative* of the two Democrats; the least urban, the least elitist, the most likely to be strong and assertive in foreign affairs. These are not people for whom *Roe* v. *Wade* (either way) is a big voting issue. They are people for whom tough-

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ness is. They perceive, correctly, that each is a woman you would want to have on your wagon train if you were crossing the continent, and to them, each has the same gutsy, tough-woman vibe. It is not irrelevant that the places where the McCain people expect Palin to help most are the states in which Clinton managed to mop the floor with Obama, the states Obama offended with his "God and guns" ridicule. Clinton and Palin cannot afford to offend all of each other's constituents, and perhaps they don't want to.

And so, Hillary is missing in action from the Palin-hating brigade. She and McCain are said to be friends, and to work well together. In the primaries, she often compared Obama unfavorably to her friend in the Senate. Her comment that she and McCain had credentials in the national security area while Obama had a speech made four years ago has already appeared in McCain's commercials, and it is hard to believe when she said it that she could not foresee this happening. It is also hard to believe that after she and Bill vote for McCain in the privacy of the voting booth up in Chappaqua, they will not be among the first to make phone calls to Sarah Palin, and then to John McCain.

4. Bombs Away. McCain picked Palin for a number of reasons—youth, pizzazz, energy, appeal to the base and to middle-class women, to the West and to blue-collar voters—but it may turn out that the main contribution she makes to his effort is in goading the Democrats into spasms of self-defeating and entirely lunatic rage. Somehow, every element of her life—the dual offense of being a beauty-queen and hunter; the Down syndrome baby who wasn't aborted; the teenage daughter about to get married, whose baby also wasn't aborted; the non-metrosexual husband working the nightshift; the very fact of five children—touched a nerve on the liberal template, and sent the whole beast into convulsions, opening an intriguing and somewhat frightening window onto the turbulent id of the left.

On September 2, the *New York Times* ran six stories that touched on the teenage daughter's pregnancy, three of them above the fold on page one, each of them making Palin's family life look like *Tobacco Road* meets Jerry Springer. Carol Fowler, chairman of the Democratic party in South Carolina, said that Palin's main qualification "seems to be that she hasn't had an abortion," which, in some circles is nothing to brag about. (Fowler's husband Don, former chairman of the Democratic National Committee, had just faded from the headlines after suggesting that the disruption of the Republican convention by Hurricane Gustav reflected the judgment of God.)

The editor in chief of the *New Republic* said Palin was "pretty like a cosmetics saleswoman at Macy's," and called her and her ilk "swilly people." Leftist "comediennes" made up rape scenarios. A hacker broke into Palin's private email account, spreading family photos and emails far and wide. Gawker, a website beloved of the New York-based media, gleefully dialed up one daughter's voice mail, published the photos, and a long list of email addresses of Palin's friends and family. Rumors surfaced that four-month old Trig was really the son of her now-pregnant daughter. *Vanity Fair* and *New York* magazine offered "The Authentic Trig Palin Conspiracy Time Line," with alternative theories of the infant's conception and parentage. Talk of bodily fluids sloshed through the blogosphere, as "Who had her baby, and when did she have it?" became the rallying cry of the left. A blogger for the *Atlantic* demanded medical records: "The circumstantial evidence for weirdness around this pregnancy is so great that legitimate questions arise."

But the main questions that arose concerned these over-the-top accusations, and the mental state of those making them. At the end of it all, Palin's backers had become a large guard of impassioned defenders; McCain got a boost among independents and in state-by-state polling; and a Ramussen poll showed that 68 percent of the people considered the press biased and partisan, and 51 percent thought it was out to skewer Republicans. Democrats, who have fretted for years about winning more votes in Middle America, are seeing their plans for "expanding the map" being flushed down the toilet. Wooing the red states will have to wait for the next cycle.

There were signs too that Palin was confounding Obama almost as much as she was enraging the left and the press, assuming there still is a difference between them. Planning to run as the agent of change against boring old white guys, he was knocked off his balance by the sudden emergence of a rival barrier-breaker, and someone as young and as jazzy as he. As Michael Barone wrote, the fighter pilot played an old pilot's trick on the rookie, getting "above and behind the adversary so you can shoot him out of the sky." In political terms, McCain set it up so "that the opponent's responses again and again reinforce the points you are trying to make, and undermine his own." Just so. Obama can't knock her as a flash in the pan, because that's what he is; he can't say she just gives good speeches, because that's what he does; he can't say she doesn't have enough deep experience, as his is scarcely deeper. In August, he didn't seem to know that Russia has a seat on the Security Council, and has the power to veto its measures. If Palin becomes president before 2012, it would be after a period of intense preparation. If Obama does, he would be unprepared on Day One.

It's a long way to November, but all of this Sarah Palin has managed in just three weeks. The past may be prologue. If so, one may wonder, to what? ♦

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More Catholic Than the Pope

Joe Biden's and Nancy Pelosi's ill-fated ventures into theological disputation.

By Joseph Bottum

Do they think this is a debate they're actually going to win? Do they imagine the Catholic theologians of America—from Avery Cardinal Dulles all the way to Sister Sara Butler—are suddenly going to whack their heads and say, "My God, we never thought of that"? What impulse makes Catholic politicians try to argue theology with their own church?

There it was, at the end of August, when Nancy Pelosi, the Catholic speaker of the House, went on *Meet the Press* to explain that abortion is not theologically wrong: "What I know is, over the centuries, the doctors of the Church have not been able to make that definition. And St. Augustine said at three months. . . . I don't think anybody can tell you when life begins, human life begins. As I say, the Catholic Church for centuries has been discussing this."

And then, two weeks later, Joe Biden, the Catholic vice-presidential candidate, went back on *Meet the Press* to add: "There is a debate in our church. . . . Back in *Summa Theologia*, when Thomas Aquinas wrote *Summa Theologia*, he said there was no—it didn't occur until quickening, 40 days after conception. How am I going out and tell you, if you or anyone else that you must insist upon my view that is based on a matter of faith?"

Pope Benedict XVI

ASSOCIATED PRESS / BOB EDME

With their typical patience, the theologians replied that theology has always taken its facts from the biological sciences when talking about biological issues—and science these days makes clearer how gestation works than it did in the fourth century. For that matter, Augustine explicitly condemned abortion at any stage, as did Thomas Aquinas, and besides, quickening (the fetal motion that usually occurs between 90 and 120 days in a pregnancy) is completely different from the Thomistic account of the development of the intellective soul around the 40th day, and Speaker Pelosi seems to have confused . . . while Senator Biden may not have fully grasped . . .

On and on it went, as stylized as a Kabuki performance—until, with his typical *impatience*, Denver's archbishop, Charles Chaput, summed up: "*Meet the Press* has become a national window on the flawed moral reasoning of some Catholic public servants." Fourteen bishops have now issued public statements on the Pelosi and Biden gaffes.

In part, what these politicians are doing is dredging up the half-remembered talking points of elections past—the sort of block of eroded verbiage that the Catholic John Kerry sometimes used during the 2004 presidential campaign, as when, for example, he said his position on abortion was in line with the liberalism of the (nonexistent) Pope Pius XXIII and the changes wrought by "the Vatican II."

Along the way, however, Kerry established what seems to have become a new default position for Democratic Catholics—one of those spots to which the minds of politicians, like overstretched rubber-bands, always snap back. The default position used to be the one established by Mario Cuomo, in a famous talk he gave at Notre Dame in 1984, which claimed that Catholic officials *may* resist Church teaching by being personally opposed to abortion even though they publicly support it.

Now, however, the position seems to have become the notion that Catholic officials *must* resist Catholic teaching, since opposition to abortion is inherently religious—a matter solely of narrow sectarian definition, like not eating meat on Fridays. The fact that the Catholic Church holds a view

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has become the reason that Catholic politicians are required to oppose it. As Biden told Tom Brokaw on *Meet the Press*, "I voted against telling everyone else in the country that they have to accept my religiously based view."

Perhaps one shouldn't read too much into those particular comments, for the babbling brook that is Joe Biden often overflows its banks. Campaigning in Missouri, for example, he noted the praise that has come to Sarah Palin for her care for her Down syndrome baby, and he demanded that Republicans be asked, "If you care about it, why don't you support stem cell research?"

Leave aside the fact that, even back in the 2004 glory days of overinflated claims for stem cells, no one seriously claimed they would soon cure Down syndrome. Leave aside, as well, the fact that the use of *embryonic* stem cells is what the pro-life community rejects. Leave aside, for that matter, the fact that the recent scientific breakthroughs with reprogrammed cells taken from adults have pushed much of the issue off the political table. Consider just the fact that Biden was declaring his own Catholic position on embryonic stem cells to be uncaring. As the philosopher Francis Beckwith observed of the incident, this is a man who won't even force his beliefs on himself.

But Joe Biden—like Nancy Pelosi and other Catholic supporters of the Obama campaign—are caught in a bind that is, in many ways, even tighter this year than the one that squeezed John Kerry and his Catholic followers four years ago. Back in 2002, the Vatican office headed by Joseph Cardinal Ratzinger issued a note about the participation of Catholics in political life. Declaring that politicians have "a duty to be morally coherent"—an explicit rejection of the Cuomoesque attempt to distinguish private from public positions—the note insisted that "a well-formed Christian conscience does not permit one to vote for a political program or an individual law which contradicts the fundamental contents of faith and morals."

Some American bishops took this to mean that Catholic officials who support the legality of abortion should not present themselves for communion or identify themselves as Catholics. Most of the nation's bishops, however, followed the lead of Washington's cardinal, Theodore McCarrick, who put together what was widely reported as a compromise in the summer of 2004. McCarrick's task force rejected "the denial of communion from Catholic politicians or Catholic voters," while recommending that bishops give private instruction on the life issues to the politicians in their dioceses. This is the model apparently followed by Biden's bishop at the time, Michael Saltarelli, and still followed by San Francisco's archbishop, George Niederauer, who has asked Pelosi to meet with him to discuss her comments on *Meet the Press*.

Washington's cardinal, Theodore McCarrick, rejected 'the denial of communion from Catholic politicians or Catholic voters' and recommended that bishops give private instruction on the life issues to the politicians in their dioceses.

Cardinal McCarrick in 2005

KIMIMASA MAYAMA / REUTERS / CORBIS

But things in Catholic circles have changed since 2004. To begin with, Ratzinger became Pope Benedict XVI, which makes his instructions a little harder to ignore. Then, in 2005, McCarrick turned 75, the age at which bishops are required to offer their resignations—an offer the Vatican promptly accepted. All along the line, the identification of Catholicism with the rejection of abortion has hardened into something that Catholic churchgoers and the general American public all recognize.

American politics, too, has undergone a change over the past four years. Here's a curious fact: Not once was the word *abortion* mentioned from the dais of the Democratic convention in 2004. That convention seemed, at times, about nothing except embryonic stem cell research, as speaker after speaker denounced the Luddite Republican opposition to all things scientific. But the Democrats at the time clearly did not see the defense of *Roe* v. *Wade* as a winning issue.

Then came the Democratic victories in the 2006 midterm elections and the collapse of public approval ratings for President Bush—followed by polls early in 2008 that suggested anyone from a blind monkey to Che Guevara, if he ran as a Democrat, would win the 2008 presidential election. Conservative positions were so unpopular, the left decided, that concessions (like the one that forced them to support the self-declared pro-life Democrat Bob Casey Jr. in the 2008 Pennsylvania Senate race) no longer needed to be made.

And so the platform adopted at their convention in

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Denver this year begins its mention of abortion with the flat sentence: "The Democratic Party strongly and unequivocally supports *Roe* v. *Wade* and a woman's right to choose a safe and legal abortion, regardless of ability to pay, and we oppose any and all efforts to weaken or undermine that right." For that matter, Senator Barack Obama proclaimed his party's support for legalized abortion in the extravaganza of his acceptance speech at the Democratic convention—even though he had been widely mocked for appearing astonishingly unreflective about the issue, declaring at the Saddleback Church interviews in August that the question of when life begins is "above my pay grade."

Not helping him at all was South Carolina's Democratic chairwoman, Carol Fowler, who swiped at Sarah Palin by saying the Republicans had nominated a vice-presidential candidate "whose primary qualification seems to be that she hasn't had an abortion." Nonetheless, early this month, the Obama campaign began running radio ads about the evil that would follow if the Republicans are elected and "*Roe* v. *Wade* is overturned." All along the line, liberal columnists and party activists have been far more vocal about abortion than they were in 2004.

So what's Joe Biden to do? What, for that matter, is any Catholic supporter of Obama to do? The ledge on which they are trying to stand is crumbling beneath their feet. Douglas Kmiec, a former legal counsel in the Reagan administration, has gotten the most publicity for his Catholic praise of the Democratic ticket. Indeed, he's made a new career for himself out of being a Catholic Republican who supports Obama: pouring out op-eds, delivering speeches, and penning a just-released book, *Can a Catholic Support Him?—Asking the Big Question About Barack Obama*.

The title is a tease, as you might expect. "What's wrong," he writes, "is for Republican partisans to claim" that support for abortion is Obama's position. "It's not. Rather, Obama believes there are alternative ways to promote the 'culture of life,' even given the law's sanction of abortion." The trouble, of course, is that Obama has given little indication he believes anything of the sort, and, in the months Kmiec spent writing the book, the Democrats have systematically undermined its premise by explicitly endorsing *Roe* v. *Wade* and refusing any concessions that abortion might be even a necessary evil.

In response to it all, Nancy Pelosi and Joe Biden were reduced to the idiocy of trying to argue theology on the Sunday morning shows, and Kmiec's claims have dwindled down to a kind of old-fashioned double-effect argument: The Republicans are so wrong about other issues, especially the Iraq war and the economy, that Catholics should vote for the Democratic party and accept the Democrats' support for legalized abortion as an unintended consequence.

Who's likely to be convinced by such a position? Republicans have occasionally tacked away from pro-life voters. There's a solid argument to be made that the fact of Sarah Palin's nomination, together with the visual presentation of her family at the Republican convention, made as strong a pro-life argument as it's possible to make. Still, in the convention's acceptance speeches—an hour and a half of speechmaking from McCain and Palin—the issue was explicitly mentioned only once, with the brief phrase "a culture of life" coming in a laundry list late in McCain's speech. And pro-lifers have been made nervous by McCain's recent answer to a science group's questionnaire, in which he affirmed his support for "federal funding for embryonic stem cell research," though he insists on unspecified limits. His campaign has announced that it is airing radio ads about stem cells. Embryonic? Adult? Reprogrammed pluripotent cells? The ad doesn't say, but the fact of the ad is not reassuring.

Still, here is where the doctrine of double effect might actually have some purchase. Abortion is so grave an evil that some errors from McCain might be acceptable. Polls over the last few elections consistently show much weaker Catholic opposition to embryonic stem cell research than to abortion.

As it happens, those same polls consistently show little that can be identified as a uniquely Catholic vote, once the presidential election has narrowed down the choice to the two parties' candidates. The Democratic primaries did seem to reveal a Catholic identity among some voters: Hillary Clinton won 70 percent of Catholics in Pennsylvania, and she beat Obama by 10 percentage points or more among Catholics in two-thirds of the states where exit polls asked for religious identification. But those numbers precisely matched her victories among white voters with lower-middle-class incomes and blue-collar jobs in the old Rust Belt. For that matter, they mostly came at the end of the primary cycle, when a backlash against Obama was setting in. Once Catholic Republicans are added, in the broader setting of a national campaign, the likelihood is that Catholics will vote much the way the rest of the nation votes.

And yet, there remains that question of abortion. Things have tightened over the last few years, the Catholic position is firmer in the public's mind—firmer in the Catholic mind, for that matter. McCain was a long way from the pro-lifers' first choice for a Republican nominee, but the Democrats this election cycle are determined to force the issue. They've pushed, and they've pushed, and they've pushed, until Catholics are falling off the cliff. Poor Doug Kmiec and his sad question, "Can a Catholic Support Him?" As a matter of good conscience, the answer looks increasingly like no, a Catholic can't support Obama. And as a matter of political fact—well, that's starting to look like no, as well, isn't it? ♦

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Clinging to Her Religion

The faith journey of Sarah Palin, 'Bible-believing Christian.'

By Terry Eastland

A few weeks before the Republican convention, *Time* magazine asked Sarah Palin what her religion was. "Christian," she said. Asked whether she was any particular kind of Christian, she replied, "No. Bible-believing Christian." Ever since John McCain asked Palin to be his running mate, her religion has been high on the list of subjects journalists have pursued. Although Palin herself hasn't brought it up and has mostly declined to be interviewed on the matter, it is already clear that her religious background contains material unfamiliar to media and political elites. Few politicians at Palin's level describe themselves as Bible-believing Christians.

Palin was baptized a Roman Catholic as an infant. When she was a teenager, she and her mother began attending the Wasilla Assembly of God. There she was "saved," as she has said, and also rebaptized, by full immersion, in Beaver Lake.

At Wasilla High School, Palin was known for her Christian faith. In an interview, John Bitney, who went to high school with her and later worked for her in the governor's office, recalls that she was "just a Christian girl" who was well regarded for her character. He adds that she "didn't preach" at anyone. A basketball star, she led a chapter of the Fellowship of Christian Athletes.

Palin, her husband Todd, and their growing family attended Wasilla Assembly of God until 2002, when they moved to Wasilla Bible Church. Palin also has worshipped at other churches, including the Church on the Rock in Wasilla. In Juneau, the state capital, she has gone to Juneau Christian Center.

Of these four churches, two—Wasilla Assembly of God and Juneau Christian Center—are members of the Assemblies of God. Founded in 1914, the Assemblies of God is the largest Pentecostal denomination in the country. Pentecostalism—which takes its name from the day of Pentecost when, according to the Book of Acts, the Holy Spirit descended upon the Apostles—is a movement that began in 1901 and is best known for its emphasis on the gifts of the Spirit, including speaking in tongues. The other two churches are freestanding congregations. The Church on the Rock is "charismatic," a term usually applied to more recent forms of Pentecostalism, while Wasilla Bible, the Palins' present church, is neither Pentecostal nor charismatic.

Reporters ask whether Palin has ever spoken in tongues. Her spokeswoman has said that Palin doesn't consider herself a Pentecostal. A friend of Palin's told the *New York Times* that her family left Wasilla Assembly of God for Wasilla Bible in part because the latter's ministry was "less extreme." Exactly what Palin may have found "extreme" at Wasilla Assembly of God is unclear. In any case, Palin retains an evident affection for Wasilla Assembly of God, as does the church for her.

The explicitly nondenominational Wasilla Bible Church was started more than 30 years ago by a small group of families. The word "Bible" was included in the church's name to reflect the Scripture's centrality in the lives of Christians, says pastor Larry Kroon. In interpreting the Bible, he says, "we try to get at the author's intent" by considering the text as well as its history and structure.

Kroon says that his church has had programs for children with special needs, that it supports the pro-life Heart Reach Pregnancy Center, which helps women in crisis pregnancies, and that it participates in house-building efforts undertaken by Habitat for Humanity. Rarely does Wasilla Bible have outside speakers, the most recent one a leader of Jews for Jesus. The church sometimes promotes events sponsored by outside groups, such as a recent Focus on the Family conference on overcoming unwanted same-sex attraction held in Anchorage.

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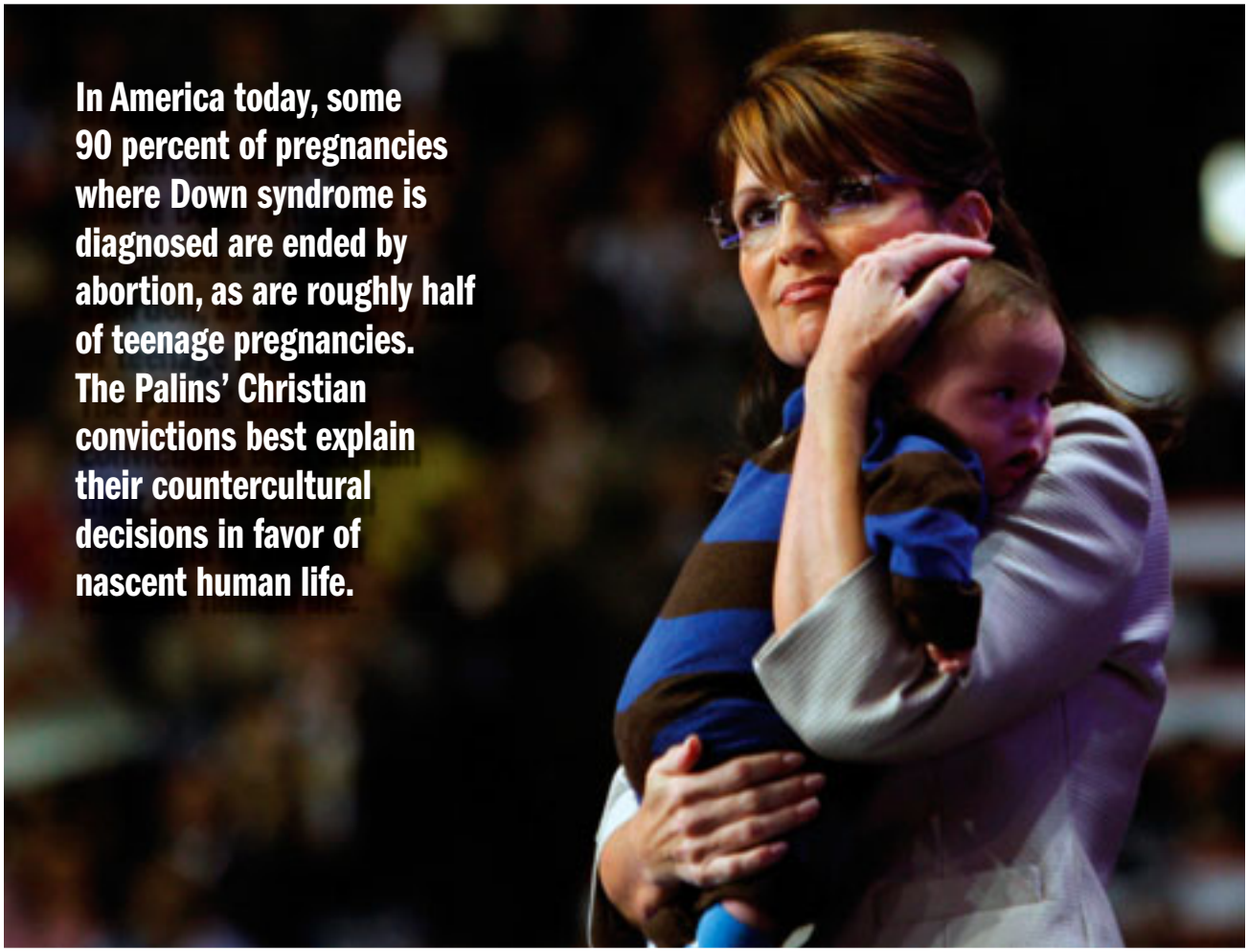

Governor Sarah Palin with her son, Trig, after accepting the Republican nomination for vice president

REUTERS / SHANNON STAPLETON / LANDOV

Those who attend Wasilla Bible tend to be social conservatives. Kroon describes himself as "pro-life." But the church, he says, doesn't get involved in politics. "We're extreme the other way. We put everything else down when we worship, whether it's politics or anything else. The church is the church. Worship is worship." In contrast, there has been some political preaching at Wasilla Assembly of God, where the senior pastor asked in a sermon whether people who voted for John Kerry in 2004 would make it into heaven.

Wasilla Bible and the other three churches Palin has attended are often described as "evangelical." Palin isn't the first evangelical candidate on a national ticket—remember Jimmy Carter and George W. Bush—but she is probably the first to have either an Assemblies of God or a Bible-church background, according to John Green of the Pew Forum on Religion and Politics. In this respect she reflects the nation's changing religious landscape wherein mainline churches have been steadily losing members and theologically conservative churches have, at least until recently, enjoyed substantial growth.

Reporters are justifiably curious about how Palin's religious beliefs might influence her approach to public service. But Palin appears to have given few explicitly religious talks that touch on governing. The only one in the public domain I can find is a talk she gave earlier this year to young people at Wasilla Assembly of God, which was posted on the church's website and is now on YouTube. Palin was introduced as "a disciple of the Lord Jesus Christ," a person who doesn't simply "put on a show" but is "the real deal." Speaking for about 15 minutes, the governor recalled her time as a teenager attending the church, before asking the young people to pray for "our military men and women who are striving to do what is right also for this country, that our leaders, our national leaders, are sending them out on a task that is from God. That's what we have to make sure we're praying for: that there is a plan and that that plan is God's plan."

This is the prayer that ABC's Charles Gibson distorted in his interview with Palin when he asked her if the Iraq war is "a holy war." Palin wasn't telling the

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students that the Iraq war is "God's plan." Instead she was asking them to pray that the war would in fact be a "task from God." Beliefnet's Steve Waldman, defending Palin, wrote that such a prayer is "a totally appropriate desire for a Christian—and for a Christian politician. . . . Where it gets problematic is when [Christian politicians] feel God is directing them to take particular steps or claim divine endorsement for their actions."

Palin may have entered that problematic area when she asked the students to pray for the building of the Alaska natural gas pipeline: "God's will has to be done in unifying people and companies to get that gasline built. So pray for that." Did Palin mean here to say that "unifying people and companies to get that gasline built" was indeed God's will? Or was this simply a case of misspeaking?

As for actions or positions involving religion that Palin has taken as a politician or elected official, there seem to be few. The *New York Times* reported that when Palin ran for mayor of Wasilla, she played up her church work. But in support of that assertion, the story offered only a quotation from her opponent: "I'm not a churchgoing guy, and that was another issue: 'We will have our first Christian mayor.'" John Bitney recalls the race differently. "I don't remember [her church work] coming up," he told me.

In a candidates' debate during her 2006 campaign for governor, Palin was asked whether it's all right for religious leaders to endorse candidates. Palin replied that religious leaders "have the freedom to say whatever they want to say," while cautioning that they should "be very careful" if they decide to make an endorsement. Palin seemed to suggest that the reason to be careful was that congregants who disagreed with the endorsement might put "fewer dollars in the offering plate." There are, of course, other reasons to be careful, too, including the danger that a pastor who endorses a candidate might see his church's tax exemption threatened and also the concern expressed by Palin's pastor, Larry Kroon, that worship be kept separate from outside activities.

During that same debate, the question arose as to whether the public schools should teach alternatives to evolution such as creationism or intelligent design. Palin said: "Teach both [evolution and an alternative]. You know, don't be afraid of information. . . . [Let] kids debate both sides." Palin also said she wouldn't push the state board of education to add such alternatives to the curriculum. And as governor, she hasn't.

Together with her hunting and fishing and lifetime membership in the NRA, Palin's Bible-believing faith reminds the country of the vast cultural differences between the two parties.

She's also been mostly on the sidelines with respect to same-sex marriage and abortion, issues often seen in religious terms. Running for governor, she expressed support for a state constitutional amendment banning same-sex marriage and opposed abortion except to save the life of the mother. She said she was as "pro-life as any candidate can be," citing her belief "in the sanctity of every human life." As governor, however, she hasn't pushed for an amendment forbidding same-sex marriage or for laws or policies embodying her pro-life sentiments.

Indeed, the so-called social issues have not figured prominently on Palin's to-do list in government. Rather, what has preoccupied her, as Bitney points out, are the traditional issues of state governance. "Look at the [public] record," he says. "She's pushed for the development of the gas pipeline, for ethics legislation, for economic development, for jobs, for less government."

To be sure, Palin did sign a proclamation last year declaring a week in October "Christian Heritage Week" in Alaska. The point was to remind Alaskans of "the role Christianity has played in our rich heritage." The proclamation does not declare Alaska a Christian state or the United States a Christian country. It quotes various Founders (in some cases out of context) and highlights the influence of Christianity in the past—just as the Supreme Court does when it undertakes to uphold, say, a Ten Commandments display in a public place. Some people may get worked up about this proclamation, but it is essentially benign, fully within the well-trodden ground of America's civil religion.

Finally, no discussion of Palin's religious biography would be complete without mention of her infant son, born after a test revealed his Down syndrome, and the child her 17-year-old daughter, unmarried but engaged, is carrying. In America today, some 90 percent of pregnancies where Down syndrome is diagnosed are ended by abortion, as are roughly half of all teenage pregnancies. The Palins' Christian convictions best explain their countercultural decisions in favor of nascent human life.

Voters are free, of course, to make what they will of Palin's religion. It is part of who she is. And together with her hunting and fishing and lifetime membership in the NRA, her Bible-believing faith reminds the country of the vast cultural differences between the two parties—which is part of why Palin continues to excite the Republican base. ♦

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The $32 DB burger at DB Bistro Moderne consists of ground sirloin stuffed with foie gras, a mirepoix of root vegetables and preserved black truffle, and short ribs marinated in red wine.

H. AMIARD

Burger Triumphant

Or, requiem for the hot dog BY VICTORINO MATUS

Somehow I'd forgotten that summer isn't truffle season, which made my recent visit to DB Bistro Moderne in midtown Manhattan almost pointless. After all, why order the DB burger stuffed with *foie gras* and braised short ribs marinated in red wine if I can't also get my fresh shavings of black Périgord truffle? (That a *preserved* truffle is blended into the meat is beside the point.)

This might sound excessive, but the DB is still a magnificent creation. The flavor combination of the sirloin and short ribs is divine—even without the fresh black truffle. Its inventor, the French chef Daniel Boulud, describes the DB, which weighs nine ounces and is four inches tall, as a "burger for grown-ups." Boulud had the idea for "a fancy French-American burger" in late 2000, and to this day, out of 100 lunchtime customers at DB Bistro Moderne, roughly 80 will order the $32 indulgence. (When in season, a roughly $150 version is available, with a double portion of black truffle shavings.)

The Hamburger:
A History
by Josh Ozersky
Yale, 147 pp., $22

"For me it was not about creating decadence," insists the celebrity chef. "It was more about creating a real complex and interesting burger."

But is it even a burger? Not so, says Marc Sherry, proprietor of the Old Homestead Steakhouse in lower Manhattan's meat-packing district. "It's a good product—a very damn good product—but it's not what America is looking for in a burger." Two years after Boulud's creation debuted, the Old Homestead, which was the first American restaurant to feature Japanese Kobe beef on its menu, announced it would be selling its own hamburger for the first time in its 140-year history: the $41 Kobe burger.

"All right, here's what we're going to do," Sherry recalls saying at a staff meeting. "We're going to take the

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highest, greatest stuff that you can find . . . grind it up, make it into a 20-ounce patty, and send it on out there."

Like the DB, the Kobe burger was an enormous hit; last year it generated over $1.7 million in sales at the New York location alone. And with all the publicity surrounding the two high-priced offerings—Boulud and Sherry both made the rounds on television—the media were now dubbing the affair "The Burger Wars." Other restaurants then joined the fray, the most recent being the Wall Street Burger Shoppe, which features a $175 hamburger complete with *foie gras*, black truffle shavings, and gold leaf flakes. (Boulud calls this a publicity stunt and "a really stupid idea." Sherry replies that, in contrast, his Kobe burger "has no gimmicks to it.")

How did a sandwich once reviled as something unsanitary and purchased outside factories and at carnivals come so far? The answer can be found in this little book, *The Hamburger: A History*. "What do Americans think of when they think of the hamburger?" asks the author, Josh Ozersky. "Is it a sizzling disc of goodness, served in a roadside restaurant dense with local lore, or the grim end product of a secret, sinister empire of tormented animals and unspeakable slaughtering practices? Is it cooking or commodity? An icon of freedom or the quintessence of conformity?"

As you might guess, it depends on who you ask.

Luckily, *The Hamburger* does not devolve into a metaphysical debate. And while it is more than a mere chronology of events, the history of the sandwich from its humble origins to its current exalted state is what makes this book vastly entertaining. Ozersky, the online food editor of *New York*, traces the hamburger as far back as 1763 in a recipe for what he calls a "proto-hamburger ancestor" in Hannah Glasse's *Art of Cookery, Made Plain and Easy*:

> Take a pound of Beef, mince it very small, with half a Pound of the best Suet; then mix three Quarters of a Pound of Suet cut in large Pieces; then season it with Pepper, Cloves, Nutmeg, a great Quantity of Garlic cut small, some white Wine Vinegar, some Bay Salt, a Glass of red Wine, and one of Rum; mix all these very well together, then take the largest Gut you can find, stuff it very tight; then hang it up a Chimney, and smoke it with Saw-dust for a Week or ten Days; hang them in the Air, till they are dry, and they will keep a Year. They are very good boiled in Peas Porridge, and roasted with toasted Bread under it, or in an Amlet.

It sounds feasible until you have to ask the butcher for "the largest Gut you can find."

But what of the genuine hamburger sandwich? There is no doubt it is an American invention from the late 19th century, although there are competing claims from Wisconsin, New York, Connecticut, and Oklahoma, as well as the 1904 St. Louis World's Fair. To this day the debate remains unresolved, but one thing was certain: The hamburger's image would change from a poor person's food to everyone's favorite meal thanks largely to Walter Anderson, a former fry cook, and his real estate agent, Edgar Waldo "Billy" Ingram.

In 1916 Anderson opened a hamburger stand in Wichita. He stressed not only serving a savory burger with sautéed onions, ketchup, and mustard (in a custom-made white bun) but also the cleanliness of the establishment, as represented by its spotless floors and white walls. Indeed, it was called White Castle, and while Anderson devoted his time to food innovations, his partner focused on the business.

Ingram "created the template for all fast-food restaurants in the world," writes Ozersky. In a company newsletter from 1926, Ingram stated, "The day of the dirty, greasy hamburger is past. No more shall we be privileged to taste the hamburger at the circuses and carnivals only, for a new system has arisen, the 'White Castle System.'"

As a 1932 brochure puts it:

> When you sit in a White Castle, remember that you are one of several thousands; you are sitting on the same kind of stool; you are being served on the same kind of counter; the coffee you drink is made in accordance with a certain formula; the hamburger you eat is prepared in exactly the same way over a gas flame of the same intensity; the cups you drink from are identical with thousands of cups that thousands of other people are using at the same moment; the same standard of cleanliness protects your food.

As the author notes, "Ingram understood before anyone else that he was building, not just a hamburger chain, but an identity, what today would be called a brand."

Over time, other burger businesses would arise. In 1937, a Glendale, California, restaurateur named Bob Wian created the first double-decker hamburger, which proved a tremendous success. He called it the Big Boy (the nickname of a portly six-year-old who worked for him for free food) and the restaurant itself would eventually adopt the moniker. But in order for Big Boys to proliferate around the country, Wian had to embrace the franchising system. (White Castle's Ingram did not, as Ozersky explains, because "he felt [it] would cheapen the White Castle brand; only the 'operators' under his iron control could be counted upon to uphold the standards of the System.")

But neither Ingram nor Wian would be as successful as Ray Kroc. In 1954, the paper cup and blender salesman visited a San Bernardino hamburger joint and was so impressed by the operation and the loyalty of its customers that he offered to go into partnership with (and later buy out) the owners, brothers Richard and Maurice McDonald.

The founders had already successfully converted their drive-in that once served barbecue and employed carhops into, according to Ozersky, "a profit machine that you would turn on in the morning and turn off at night," thanks to the McDonalds' Speedee Service System. The menu was shortened and the food preparation resembled an assembly line (involving six-foot griddles, precision condiment pumps, and a heat bar to keep the sandwiches warm). In addition, the owners' target customers were no longer teenagers but the family—particularly busy postwar mothers. By 1961,

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annual sales totaled $61 million; today, that number soars to $29 billion.

Without question, the success of McDonald's can be attributed to Kroc's willingness to franchise the restaurants. Adds Ozersky: "It was in the concept of cooperative partnership between the company and its franchisees that tapped into the boundless economic energies of the postwar years and helped McDonald's to take its place at the center of American commercial culture."

On the other hand, the McDonald's manual left little room for individualism—or what Kroc considered treason. The ruthless Kroc was known for firing employees who chewed gum, wore sideburns, sported mustaches, or drank Manhattans. But as Ozersky points out, we are indebted to the franchisees who *did* break from the system with an occasional innovation, such as Herb Paterson of Santa Barbara (the Egg McMuffin), Jim Delligatti of Pittsburgh (the Big Mac), and Lou Groen of Cincinnati (the Filet-O-Fish).

Of course, another strong selling point was price. In the 1950s and early '60s hamburgers were only 15 cents, French fried potatoes were 10 cents, and milk shakes were 20 cents. And yet an upstart rival would gain critical success by selling a hamburger for 29 cents. It was called the Whopper, created by James McLamore, cofounder of Insta-Burger King (later Burger King) in 1957, and it was larger than anything on McDonald's menu—a quarter-pound of flame-broiled beef. In 1969 Dave Thomas started his own hamburger restaurant in Columbus, Ohio, called Wendy's (after his daughter) and he had the audacity to sell hamburgers for a staggering 55 cents. McDonald's finally responded with its Quarter Pounder in 1972 for 53 cents.

In each instance, the larger and more expensive sandwiches proved ever more popular. The escalation both in price and size revealed America's unconditional love for the hamburger and the near-limitless bounds for burger entrepreneurs—right up to the DB and Kobe burgers. But why?

"Why not?" replies the Old Homestead's Marc Sherry. "The stock market is no good. Gas prices are high. If you can't sit down and have a great burger, where are we at?" The way he sees it, Americans cannot get enough of the hamburger precisely because it is everywhere. He compares it to the doughnut: "Someone says to you, 'I've got a doughnut better than any other doughnut you've ever had,' well then it becomes priceless. A regular doughnut is $2, and then you pay $12 for it because it's the quest to get the best because it's something you've been eating all your life."

"Burgers appeal to every segment, across any age group or demographic that I know, if you're doing it by race, if you're doing it by economics," says Tom Racosky, founder of the fledgling Big Buns Gourmet Grill in Arlington, Virginia. "Not to be morbid, but it's the number one meal [of death row inmates] eaten as their last meal before execution, a hamburger and fries." On the lighter side, he asks, "What's classic in your life? What never goes out of style? Going to the movies, Sunday football, Monday night football, the hot dog, afternoon at the ball park, Thanksgiving dinner, the hamburger. As much as we want change in this world, we want comfort also. We want consistency."

For Josh Ozersky, "Studying [the hamburger] story is one way of studying the country that invented it, and then reinvented it again and again. The symbol is just the sizzle; the meat of the hamburger's meaning lies in how it changed the world, and why." And within the confines of this small book, he manages to explain just that, while sprinkling his chapters with fascinating tidbits. Did you know, for instance, that the first Ronald McDonald clown was played by Willard Scott?

Of course, the hamburger's image hasn't always shined. Throughout its history, it came to represent (via McDonald's) American imperialism abroad. There were health concerns for the general population (and specifically obese children) and raging debates over animal cruelty and environmental degradation. But still the hamburger finds a way to prevail—much like American culture: It may be loathed but it is seemingly unstoppable. It knows no boundaries.

"The funny thing now," Daniel Boulud tells me, "is that in France, chefs are making burgers all over the place. So maybe I should open a little burger place in Lyon, my home town? That will be the biggest satisfaction I will get—if I can make a burger place in Lyon and the Lyonnais come and eat it. I'll be the king." ♦

McDonald's, 1957

BETTMANN / CORBIS

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Who Loves Ya?

Politics as metaphor for America in a debut novel.

BY MARC C. CONNER

"Could politics ever be an expression of love?" asks Ralph Ellison's Invisible Man while delivering the funeral oration for his friend Tod Clifton, gunned down by a New York City police officer.

John Callahan uses this question as the epigraph to his debut novel, *A Man You Could Love*, which explores the intersecting themes of politics and love in the grand tradition of the American political novel. Like Ellison's *Invisible Man* and Robert Penn Warren's *All the King's Men*, Callahan's novel anatomizes both a particular period in political history and the phenomenon of the charismatic leader. And like its predecessors, *A Man You Could Love* is highly critical of the American political system and profoundly hopeful about its possibilities and aspirations.

A Man You Could Love
by John Callahan
Fulcrum, 457 pp., $26

The writing of a good novel is desperately difficult business, and few people manage it. Fewer still produce their first novel after a successful career in literary scholarship. Criticism and creation are not sister disciplines. Yet Callahan has traveled exactly this path. He is an endowed professor at Lewis and Clark College in Oregon, where he has taught since the late 1960s, and a major scholar in 20th-century American literature. But he is best known as the literary executor for the estate of Ralph Ellison. Callahan and Ellison became intimate friends in the 1970s, and Callahan was probably Ellison's closest friend when Ellison died in 1994. He took over the editing and publication of Ellison's unfinished second novel, a massive project of thousands of pages and innumerable iterations that Ellison worked on from at least the mid-50s to the moment of his death. Callahan produced a version of the novel as *Juneteenth* in 1999, and has also edited Ellison's *Collected Essays* as well as a volume of his short stories.

This particular brand of scholarship has greatly enhanced Callahan's understanding of the novel as a form, for not only was Ellison one of the great theorists of the form and function of "the American novel," but his unfinished manuscript provided Callahan a veritable laboratory of the novelist's craft.

A Man You Could Love follows the friendship of two men, Gabe Bontempo and Mick Whelan, from their initial meeting as political interns in the mid-1960s through the apotheosis of Mick's brilliant political career in the early 1990s. The novel explores several different eras in the past four decades of American political life: the late 1960s, with its chaos and hope, as Mick emerges into public life as a staffer for the Eugene McCarthy campaign; the 1970s to the early '80s, as Carter's presidency founders, the Reagan Revolution begins, and Mick's mature public life as a congressman and then senator commences; the early 1990s, when Mick occupies center stage as American intervention in Latin America and the Middle East begins in earnest; and finally the autumn of 2000, the novel's moment from which Gabe narrates Mick's story, when the Supreme Court rules in favor of the Republican presidential candidate.

Callahan is a deeply committed liberal in the McGovern mold, and *A Man You Could Love* makes no apologies for being firmly within that tradition. Indeed, Callahan would argue that the very hope that politics includes love, or the possibility of love, is the highest expression of liberalism in American political thought. Certainly this novel, like the greatest of American novels—I'm thinking here of *Huckleberry Finn* or *The Great Gatsby*, both of which lurk in the margins—has as its main character America itself.

But when Samuel Johnson defined "the novel," he described it as "a small tale, generally of love," and we find another kind of novel at work here, alongside the sprawling public, political tale of America's external life: a novel of human relationships—marriage, passion, parents and children, and especially friendship—that weave throughout and give meaning to political realities. Gabe's marriage suffers as his commitment to Mick's political future grows; Mick's marriage seems to thrive, but as his political career takes off, a secret and clandestine relationship lurks as his love is also directed towards another woman.

Part of Mick's appeal is his love for his family, yet the defining relationship here is that of male friendship, and such friendships pervade the story. Perhaps most compelling is that between Gabe, Mick, and a charismatic New York congressman, Louis Armstrong (L.A.) Jackson who, on election night of a bid for the Senate, tells his followers:

> "To be for L.A. tonight is to be for New York. And to be for New York is to be for every New Yorker as an American, whether African American, Jewish, Hispanic, Irish, Italian, Polish, or," he paused and licked his lips, "white Anglo Saxon Protestant."

Jackson loses his Senate bid, but this vision animates the novel. The blend of ethnicities, races, traditions, and cultures embodied in the friendship among these three men is powerful, and suggests an idea of what we like to believe is possible in Ameri-

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can culture, what Ralph Ellison once termed "a search for images of black and white fraternity." Toward the end of *Invisible Man* Ellison writes that "America is woven of many strands; I would recognize them and let it so remain." If *A Man You Could Love* has a political vision, it is this polycultural, many-colored, multivoiced jazz blending of all that makes up America.

But ultimately it is the friendship between Gabe Bontempo and Mick Whelan that defines the novel, and offers its most memorable moments of love, frustration, triumph, and sacrifice. Callahan is also firmly in the vein of the elusive Great American Novel here, for he chooses the perspective not of the charismatic hero but his admirer and friend. Gabe, who is also Gabriel the messenger angel, tells the story of Mick, who is also Michael the warrior angel. This perspective—the admirer/outsider who tells the tale of the hero—is our perspective as well. Callahan spins his American yarn across five major sections, like the five acts of a Shakespearean drama, and the reader is left to ponder whether this is a tragedy that laments America's political failure or a comedy that affirms America's political promise.

This is the baffling contradiction at the heart of the American enterprise, our capacity for hope and our capacity for hatred and fear. John Callahan reveals himself to be very much the son of Ralph Ellison, for here he crafts an eloquent American blues that, as Ellison described it, expresses the "near-tragic, near-comic lyricism" of the American condition. ♦

Justice For All

How to balance the bias in the legal profession.

BY CHARLOTTE ALLEN

The Rise of the Conservative Legal Movement
The Battle for Control of the Law
by Steven M. Teles
Princeton, 358 pp., $35

This book opens with a chilling anecdote following Richard Nixon's 1972 landslide reelection, in which he carried every state in the Union except DC and his Democratic opponent George McGovern's home state of South Dakota.

According to Steven Teles, the young Patrick Buchanan, then a White House aide, exultantly declared that although the media might be almost uniformly liberal, Nixon had "all but recaptured" the Supreme Court from the left. Buchanan prophesied that Nixon's four first-term appointments to the High Court—Chief Justice Warren Burger and Justices Harry Blackmun, Lewis Powell, and William Rehnquist—would halt the "social experimentation" characteristic of Burger's famously liberal predecessor Earl Warren and turn the Court into an "ally and defender" of the conservative values of Nixon's constituents.

Yes—and two days after Nixon took the oath of office on January 20, 1973, the Supreme Court handed down that monument to conservative jurisprudence, *Roe* v. *Wade*, written by Blackmun and signed onto by all of Nixon's appointees except Rehnquist. Even now, 35 years after *Roe*, with three Republican-appointed liberals on the Court (John Paul Stevens, Anthony Kennedy, and David Souter) still helping to block any hope for overturning that landmark exercise in judicial overreaching and the creation of imaginary constitutional rights, we are still living with the consequences of blithely assuming, as Buchanan and many others have done, that conservative victories in elections automatically translate into a conservative transformation of the legal system.

Teles's book is a kind of counterweight to Donald Crichtlow's important *Phyllis Schlafly and Grassroots Conservatism: A Woman's Crusade* (2005), also published by Princeton and, like Crichtlow's book, a piece of first-rate scholarship based on archival research and many interviews. Crichtlow argued that although conservative ideas promulgated by intellectual elites might have consequences, those consequences could not have occurred without the efforts of grassroots-mobilizing conservative activists such as Schlafly, a quintessential non-insider who almost single-handedly blocked the Equal Rights Amendment and helped engineer both the Goldwater and Reagan presidential nominations. Teles contends, *au contraire*, that grassroots conservatism, which propelled the Nixon, Reagan, and both Bush presidential victories, may be all well and good, but it is not enough to effect significant institutional changes, which require the presence of elites, and elites in key positions of power and influence, particularly in the courts, which make much of the law under which Americans live.

Nixon (along with his Republican successors Gerald Ford, Ronald Reagan, and the elder George Bush) made grave mistakes in Court appointments, mistakes that generated, among other things, the constitutional and moral travesty that was *Roe* v. *Wade*, because, while there might have been plenty of grassroots conservative opposition to unrestricted abortion rights and other forms of High Court "social engineering," there was no conservative legal establishment in place to vet and effectively block the elevation of the justices who have helped keep *Roe* for nearly 40 years, along with other constitutionally dubious concepts such as racial quotas, mandatory coeducation, and the "right to die."

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One of the longest-surviving of those mistakes, proving how lasting were its consequences, is the 88-year-old Justice John Paul Stevens, who managed to convince President Gerald Ford (who appointed him to the High Court in 1975) that he was a conservative because he wore a bow tie and voted Republican. Over the years Stevens "grew" (as the liberal press often put it) in a leftward direction, as did Reagan appointees Kennedy and Sandra Day O'Connor and the elder Bush appointee Souter.

Compare the ease with which such dubious appointments wafted under the conservative radar screen, says Teles, to the uproar on the right after George W. Bush chose Harriet Miers, a personal friend perceived as ideologically unreliable, for the Supreme Court in 2005. Bush was obliged to retract Miers's appointment within weeks, and his two appointments to date who did survive confirmation (with the right's blessing), Chief Justice John Roberts and Associate Justice Samuel Alito, have so far proven to be reliable jurisprudential conservatives of the sort for which Nixon *et al.* could only throw the dice and hope.

The Rise of the Conservative Legal Movement, densely packed, meticulously annotated, and thus not exactly bedtime reading, chronicles in minute detail the long road from the Nixon to the current Bush era, along which an array of dedicated conservatives that included maverick law professors, entrepreneurial lawyers, and shrewd and farsighted funders at the now-defunct John M. Olin Foundation (which granted Teles free access to its archives for his research) and other right-of-center foundations, managed to cobble together enough of a network of key institutions, a legally conservative "new class" (as Teles calls it) in Washington and elsewhere not only to ensure that Republican judicial appointments were less of a crapshoot but to influence the courts themselves and the legal thinking behind their rulings.

The process is far from complete for, as Teles notes, conservatives have yet to displace the liberal legal network that currently dominates the courts, the law schools, and an oligarchy of public-interest law firms that comprises such left-leaning heavyweights as the American Civil Liberties Union, the NAACP Legal Defense Fund, the Mexican American Legal Defense and Educational Fund, and the Environmental Defense Fund. Nonetheless, the very fact that conservatives have managed to compete at all with the pluripotent and massively funded (thanks to the federal government and the Ford Foundation) liberal legal establishment is, in itself, a kind of miracle because, during the late 1960s and early '70s conservatives were largely locked out of the law schools' professoriate, nearly absent from the vast government legal bureaucracies (such as the Justice Department), and waning in influence even in such putatively neutral professional organizations as the American Bar Association.

John Roberts invested as chief justice, 2005

ERIC DRAPER / WHITE HOUSE PHOTO

The New Deal had attracted bright young legal liberals into government agencies, which in turn bloomed under expansive New Deal legislation, and by the 1960s those same liberals were staffing law school faculties and the judiciary. The latter institution not only fed the liberal beast ideologically by churning out court decisions supporting expansive views of both government power and hitherto undiscovered constitutional rights, but fed it financially by requiring the government to support liberal law firms and their lawyers via mandated attorney's fees. (*Gideon* v. *Wainwright*, the 1963 decision of the Warren Court ordering local governments to supply lawyers to indigent criminal defendants, set a precedent for taxpayer subsidies to the liberal bar.) With assured sources of income thus at hand, "public interest" law, aimed at setting public policy in courts rather than legislatures, burgeoned exponentially during the 1960s and '70s at the hands of liberal lawyers.

As law professors, those same liberals (or their academically inclined soul brothers) fed their ideas to a fashionably radical crop of '60s/'70s law students, and those students eventually came to staff not only the public-interest firms but private law firms as well, where they donated their services in pro bono work for liberal causes and began climbing the ranks of the influential bar associations. The ABA's split vote in 1987 to deny Reagan's Supreme Court appointee Robert Bork a "well qualified" rating, despite his distinguished career as a federal appellate judge and Yale law professor (a vote that helped sink his Senate confirmation), showed how thoroughly the left had marched through traditional legal institutions.

As the Nixon and Reagan presidential victories indicated, the right had plenty of grassroots support but was nearly powerless in the increasingly powerful court system, a system in which elites count. Teles chronicles the right's only partially successful efforts to gain a foothold in a generally hostile legal establishment. He focuses on two of those efforts: the creation of conservative public-interest law firms aimed at rolling back liberal victories in the courts, and moves to change the culture of the law schools, by way of conservative networks such as the Federalist Society, founded in 1982, and the "law and economics" movement among free market-inclined law professors that cast a critical eye on the monetary and social costs of expansive legal doctrines. The conservative public interest firms sought to change the

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direction of judicial rulings, while the law and economics movement sought to change the nature of the legal thinking that has churned out generations of liberals in the bar and on the bench.

Conservatives, steeped in a hermeneutic of suspicion of liberal elites—especially elites based in Washington and the academy—had a difficult time figuring out how to compete on liberal turf, and, as Teles narrates it, there were many fits and starts. The first conservative public-interest firms, founded during the late 1970s, for example, were for the most part ineffective disasters, operating on a regional grassroots model that relied on local businesses for funding. That usually meant underfunding, which in turn meant that the lawyers who staffed the regional firms had few resources for litigating complex and expensive cases and were often reduced to churning out amicus curiae briefs in other people's cases that impressed donors but had little effect on the courts.

Alternatively, as Lenin could have told the regionals, most businesses were (as they still are) only too happy to sell the hangman his rope by scrapping anti-big government principles whenever they could get big government to work for them. A typical early fiasco was a First Amendment lawsuit filed during the early 1980s by the Denver-based Mountain States Legal Foundation (founded by Reagan's future interior secretary James Watt) contesting the city's grant of an exclusive cable television franchise to William Daniels. The monopoly-craving Daniels happened to be a friend of Joseph Coors, head of the Coors brewery and chairman of Mountain States's board of directors. Coors promptly resigned (complaining that Mountain States was supposed to be battling the Sierra Club, not his friends), donations to the firm plummeted, and the Denver cable case went nowhere.

Even after conservatives finally figured out that they should mimic liberals by creating nationally focused firms based in Washington, concentrate on direct litigation of strategic test cases instead of wasting their time with amicus briefs, and seek funding from ideologically committed foundations rather than finger-to-the-wind corporations, there were humiliating disasters. Chief among them was the Washington-based Capital Legal Foundation's libel lawsuit against CBS on behalf of Gen. William Westmoreland on the claim that CBS's *60 Minutes* had reported that Westmoreland had knowingly falsified reports of enemy troop strength in Vietnam. The foundation not only mishandled its legal strategies—Capital's chief, Dan Burt, was a brilliant lawyer but inexperienced in libel law—and ran out of money, so that Westmoreland had no choice but to settle when it became clear that he was going to lose, but it also failed in its policy objective of shaming CBS into less biased reporting.

Judge Robert Bork, 1987

BY CNP / GETTY IMAGES

Eventually a second, more activist generation of Washington-based conservative public-interest law firms emerged during the late 1980s and early '90s: the confrontational Center for Individual Rights, focusing on academic freedom and opposition to affirmative action—a typical Center case was its partially successful challenge to racial preferences at the University of Michigan, which were mostly upheld by the Supreme Court in 2003—and the Institute for Justice, which took the opposite tack of stealing the liberals' thunder by positioning itself as the advocate of minorities and little people oppressed by government institutions.

The institute's best-known case to date is *Kelo* v. *City of New London*, in which the institute represented Susette Kelo, a homeowner in a working-class neighborhood of New London, Connecticut, that was the subject of a grandiose urban redevelopment scheme in which the city would expropriate all properties in the neighborhood and turn them over to a developer for an office and condominium project that would generate higher property taxes than a bunch of shabby private homes and businesses.

The institute narrowly lost the *Kelo* case in the Supreme Court, which ruled 5-4 in 2005 that tax base-boosting urban renewal is a "public purpose" that allows localities to seize private property via eminent domain. But the institute's victory in the court of public opinion was so overwhelming that dozens of populist bills designed to limit eminent domain powers were promptly introduced in state legislatures. A befuddled Democratic party chairman Howard Dean went so far as to blast the majority ruling in *Kelo* as a product of the Supreme Court's Republican right wing, whereas in truth, the Court's three most reliable conservatives (Rehnquist, Scalia, and Thomas) had all voted for the dissent.

Kelo and its aftermath demonstrated how far the conservative legal movement had come since its days of dependency on business interests. One of the indirect beneficiaries of New London's redevelopment plans, and hence of the Supreme Court's liberal majority in *Kelo*, was the Big Pharma heavyweight Pfizer, which had built a research facility not far from Susette Kelo's home and had been agitating with the city for years to upgrade the neighborhood. No wonder Howard Dean got confused about which side he ought to be on!

The law-and-economics movement at the law schools also had its

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setbacks, but it had the advantage of an older pedigree, at the University of Chicago, where the antitrust professor Henry Simons (1899-1946) had battled the New Deal's theoretical underpinnings from the beginning, and where Simons's law-faculty protégé Aaron Director (1901-2004), brother-in-law of Milton Friedman, had cofounded the *Journal of Law and Economics* as early as 1958 (the Nobel Prize-winning economist Ronald Coase was coeditor). Director's libertarian "Chicago School" theories about the high costs and inefficiencies of government intervention in markets influenced the thinking of Rehnquist, Bork, Scalia, and the prolific writer Richard Posner, a Director protégé at Chicago appointed by Reagan to the 7th U.S. Circuit Court of Appeals in 1981.

At the height of liberal dominance of the law schools, the early 1970s, law and economics seemed to be the only legal field in which conservative views were considered not only respectable but intellectually exciting. Several up-and-coming law schools invested heavily in young law-and-economics scholars, one of them being my own legal alma mater, the University of Southern California, which gave career starts to Richard Epstein, now at Chicago as a doyen of libertarian legal analysis, as well as Robert Ellickson and Michael Levine, now both at Yale. (I never had a class with Epstein but I did study—although not hard enough, I admit—with Ellickson and Levine, whose sardonic takes on government interference with property and contract rights permanently derailed any thoughts I might have had about joining the Lawyers' Guild.) Eventually the conservative foundations, especially Olin, got into the act by funding law-and-economics programs and subsidizing student scholarships at strategically selected universities, especially Harvard, which was by the 1980s in the postmodernist grip of the Critical Legal Studies movement, which viewed the law as a tool for keeping capitalist power structures in place.

Teles devotes many pages to the peripatetic maneuverings and controversial personality of Henry Manne, an alumnus of Chicago and Yale who became famous for his theory that insider trading, even though it sounds bad, shouldn't be illegal because no one is really harmed, and also for his economics seminars for law professors and judges held at luxury locations and sometimes criticized as junkets. An indefatigable fundraiser who hit up corporations and foundations with equal shamelessness in his quest to build a university-affiliated (but Manne-controlled) Law and Economics Center, he moved from law school to law school—George Washington, Rochester, Miami, Emory—sometimes alienating deans and other university officials who resented his empire-building.

By the early 1980s even the ever-generous Olin Foundation had lost patience with Manne. But in 1985 George Mason University in the Virginia suburbs of Washington invited Manne to revamp its low-status law school, and as dean (he is now dean emeritus) he made the school his personal law and economics bastion, packing the faculty ranks with young Chicago School theorists enticed by the prospect of making their scholarly names at George Mason and then moving upward to more prestigious institutions.

Clearly, as Teles informs us, the conservative legal movement has not been an unmitigated success. Conservative public-interest law firms don't win all their cases, and can even generate aggressive liberal backlash, as in the University of Michigan cases, which led to a closing of the ranks by the liberal academy on the issue of racial preferences. George Mason remains a second-string law school despite brilliant faculty hires under Manne. The law-and-economics movement itself has become ideologically diluted at some schools, for "economics" can mean left-of-center *dirigisme* economics as well as the free-market Chicago School.

No doubt, the most successful conservative legal venture has been the Federalist Society, yet another Olin-funded project. The society, which now has chapters at 180 law schools, functions as a "network entrepreneur" (Teles's words). The mere fact of membership, which is viewed with hostility at many law schools and exacts a cost for joining, sends signals to other conservatives (such as potential employers, whether in government or elsewhere) that the member is ideologically reliable. The Federalist Society, while neutral politically, has played a subtle but influential role in Republican presidents' judicial nominations, supplying reliable information about candidates and spokesmen to the press. Without the Federalist Society and its networks of data and people, the Roberts and Alito nominations, now cementing a solid conservative minority on the Supreme Court, would have been dicier propositions for the Bush administration. Still, as Teles further notes, the society, with only 20,000 lawyer-members nationwide, is no match in size, resources, or influence for the 400,000-member American Bar Association.

As others have observed, *The Rise of the Conservative Legal Movement* might be better titled *The Rise of the Libertarian-Conservative Legal Movement*, for Teles pays almost no attention to successful socially conservative public-interest law firms such as the Becket Fund for Religious Liberty and the Rutherford Institute, which largely focus on church-state and religious-freedom issues, or even the James Madison Center, which fights government constraints on political speech and spending. Indeed, Teles scants an entire range of Supreme Court-created rights dear to liberals, from almost unlimited abortion to protection for obscenity to restrictions on public prayer to the "right to die"—all of which have generated considerable grassroots opposition.

Where do social conservatives fit into the conservative legal movement? Perhaps Teles will inform us in another book. But meanwhile, *The Rise of the Conservative Legal Movement* is a fine piece of historical scholarship and an important contribution to understanding strategies for combating entrenched political and intellectual elites. ♦

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Along Hadrian's Wall on the Anglo-Scottish border

TOM STODDART / GETTY IMAGES

Happy Feet

The joys of walking, in theory and practice.

BY LAWRENCE KLEPP

Human beings have been going for walks for about four million years, ever since the first hominid got down out of a tree on an African savannah and caused a sensation by staggering around on two legs. They walked through millions of years of prehistory as nomads, reaching the ends of the earth and getting there most often the usual way. Tierra del Fuego? No, that's okay, it's only 11,000 miles; we can walk there from here.

The Lost Art of Walking
The History, Science, and Literature of Pedestrianism
by Geoff Nicholson
Riverhead, 288 pp., $24.95

And for the first 5,000 years of history walking, for peasants, peddlers, pilgrims, vagabonds, wandering scholars, streetwalkers, etc., was a doleful necessity that was often dangerous as well, since country and city walkers alike were fair game for brigands. But in the 18th century walking suddenly turned into a virtue, even a philosophy of life.

First Rousseau, in the last book he wrote, *Reveries of a Solitary Walker*, then the Romantic movement that followed, often literally, in his Alp-oriented footsteps, found equal measures of redemption in reverie and solitude and walking. Just as the world was consulting its watch and deciding it had better hurry, multiplying urgent objectives and inventing faster ways of getting to them, walking became a way of escaping this new tyranny of ironclad efficiency. It was a meandering end in itself. And as such it was a form of protest and rebellion.

The Romantic walker was free to follow whims, stray from the path, indulge curiosity, find the longest distance between two points, get lost in the woods or the city or the reverie. Random walking seemed to promise the recovery of spontaneous or contemplative experience from the newly regimented time and space of the industrial era.

There was, of course, a large slice of sentimental illusion in this. For Rousseau and Wordsworth and Thoreau and their descendents among nature mystics, New Agers, and Gaia-worshipping deep ecologists, walking is good because nature is good—in fact, sacred—and it faithfully rewards devout simplicity. They never noticed that an elaborately developed and organized society was needed to produce the kind of sensitive, self-conscious individual who would want to go out into the woods (lately made safer by the proximity of civilization) to escape society and search for authenticity and his true self.

For the *flâneurs* and night walkers of Paris like Baudelaire and the Symbolists and the Surrealists, on the other hand, walking became a way of discovering the labyrinthine modern city and registering the bizarre juxtapositions and opportunities for mystery and delirium that it contained. Their walking was random, too, but obsessive and deviant, not serene and pure.

Meanwhile, modern philosophy was being thought up during walks by Rousseau, by Kant, so punctual in his daily Königsberg walk that

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people set their watches by him, by Nietzsche, who paced the Alps and the Italian Riviera and said he distrusted any conclusions reached by sedentary writers.

So walking, in this self-conscious, rarefied sense, is a modern invention. And it's left a richly ambiguous literary and cultural legacy that has been explored in detail in several books, the outstanding one being Rebecca Solnit's appropriately meandering study *Wanderlust: A History of Walking* (2000).

Geoff Nicholson's *The Lost Art of Walking* can be read as a kind of down-to-earth, affable, and reluctant Sancho Panza companion to Solnit's questing, pensive, sad-countenanced book (which he evidently doesn't like). Nicholson, an Englishman who lives most of the time in Los Angeles and defiantly walks in a city built to discourage the heresy, promises a "History, Science, Philosophy, and Literature of Pedestrianism." But what he mostly offers is the tabloid journalism of pedestrianism.

He does pause to consider some cultural and psychological echoes of walking, examining the words for "walk" in a number of languages, speculating about walking as a cure for depression (including his own) and circumambulating the equation between walking and writing. And he manages to get some thoughtful mileage out of the hard fall he took, breaking his arm, while walking in the Hollywood Hills.

But he's most excited by walks as tabloid-worthy feats and stunts, method-in-their-madness walks, record-breaking walks, bet-you-can't walks, you're-not-gonna-believe-this walks. He talks to Kim Jones, or Mudman, an "artist" who has been periodically taking conspicuous walks around Los Angeles and international art festivals since the 1970s with his body coated in mud, a nylon stocking over his head, and a large agglomerative structure of debris on his back. He ponders Steve Vaught, a 400-pound ex-Marine who walked from San Diego to New York in 2005 and lost 100 pounds along the way. And Steve Gough, who has twice walked naked from Land's End in Cornwall, the southwest extremity of England, to the northern tip of Scotland, the second time accompanied by a naked girlfriend named Melanie Roberts.

Nicholson makes it clear that this sort of thing is nothing new. There was Old Leatherman, a mysterious tramp who, from 1858 to 1889, walked in a 300-mile circuit through parts of Connecticut and New York, taking precisely 34 days for each trip, clad head to foot in leather. There was the Scotsman known as Captain Barclay, who became a celebrity for his long bet-winning walks completed with improbable speed or endurance, the most famous being one in 1809 in which he was to cover a thousand miles in a thousand consecutive hours, one mile, no more or less, completed within each hour. (He won a thousand guineas and attracted vast crowds.)

Geoff Nicholson

Nicholson tries his own, much shorter, version of this, finding it extraordinarily difficult. He also walks around Los Angeles, retracing with limited success fictional walks by Raymond Chandler's detective hero Philip Marlowe; tries forming letters with his walks in Manhattan's grid like a character in Paul Auster's *New York Trilogy*; and walks the entire length of Madison Avenue, slicing through diverse social strata—though not as many as the walkers he discusses who have systematically covered every street in Manhattan or London.

There are also amusing accounts of movie actor styles of walking (Charlie Chaplin, John Wayne), Death Valley walks, peace walks, Buddhist walks, drunken walks, and fraudulent walks like those of the British travel writer Ffyona Campbell who admitted she had cheated a bit while walking 16,000 miles across America, Australia, Europe, and Africa in the 1980s, and Mao Zedong, who rode a horse or was carried on a litter by four Communist bearers throughout the Long March of 1934-35, which in any case wasn't as long as advertised.

Nicholson notes that walking is the preferred mode of transportation for eccentrics. In much of the United States the act of walking itself—through sidewalkless suburban streets intended for cars alone, and across relentless six-lane roads—is proof of nonconformity bordering on madness, and often gets the attention of police. His book is worth reading as a celebration of tangential and obsessive eccentricity. His curiosity, standard equipment for walkers, is contagious and brings him to unexpected places as well as unexpected oddballs.

But he doesn't get very far in terms of original and arresting reflections on the cultural history and the philosophy of walking. For that, walk to your local bookstore and, with a little luck, you'll find *Wanderlust*, by the "the oblivious and irony-free Rebecca Solnit," as he says, inaccurately, while walking into a lamppost. ♦

NAOMI HARRIS

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Old Men Forget

How foolish they look playing their younger selves.

BY JOHN PODHORETZ

Once, when men got old, they got old, and there was no pretending otherwise. "An aged man," wrote Yeats, "is but a paltry thing, a tattered coat upon a stick."

Yeats wrote those lines not all that long ago in historical terms, in 1928, and the image is a precise one, a photorealist portrait in words. But then came facelifts, and Botox, and hair implants, and hair extensions. Nowhere are these efforts to halt the ravages of time on the human body more in evidence than in show business.

Righteous Kill
Directed by Jon Avnet

Female performers who deploy these subterfuges are instantly recognizable, for it creates a somewhat off-kilter impression, no matter their age—from 41-year-old Nicole Kidman to Barbara Walters, pushing 80. For some strange reason, the same is not really true for most of the male actors who indulge in them. Somehow, the men seem to freeze in time more easily in some indeterminate late-40s to early-50s zone. Only the occasional glimpse of a liver-spotted hand or the mottled skin of an upper arm shatters the illusion.

And yet, just because a male actor's hair is full and only partly gray and his skin is taut doesn't mean he is convincing when he plays a role meant for someone 20 years younger. The cosmetic reduction of age is truly only skin deep. His voice may be a tad too hollow; his gait may more closely resemble a "tattered coat upon a stick" than a spring in the step; and seen next to a person decades younger, may suddenly convey the impression that he is not an older colleague but a father or even a grandfather.

This is especially the case when older actors play cops, which older actors often do. Why they do so is not entirely clear, since being a police officer is the most unlikely job there is for an elderly person in the United States; police officers in large cities usually retire before their 50th birthday once they have put 20 years into the job, and then go on to another line of work.

And yet, at the tail end of his career, John Wayne made three cop movies; he was 63 when the first was released. Frank Sinatra made two as well, one for television (age 63) and one for the movies (66), before retiring from acting altogether. Michael Douglas was 62 when he played an active Secret Service agent in *The Sentinel* a few years ago. Harrison Ford was 61 in *Hollywood Homicide*. What all these movies have in common, aside from being lousy, is that they indicated their once-legendary stars had reached the twilight years of their careers. They were attempting to bury themselves in an old reliable format, carrying guns and playing macho in a transparent effort to trick viewers into believing they were not on the cusp of old age. It didn't work. It never works.

And now, alas, it has fallen to the 68-year-old Al Pacino and the 65-year-old Robert De Niro to make a pathetic attempt at the same legerdemain in *Righteous Kill*—which, like all other old-man cop movies, is at best entirely predictable and formulaic and at worst a terribly sad display of vanity on the downward slope.

In *Righteous Kill*, the boys are New York detectives on the trail of a serial killer who only offs bad guys. They do what all movie cops do. They sit together on stakeouts. They abuse internal-affairs investigators. They get yelled at by their captain (the 70-year-old Brian Dennehy, obviously cast because he makes them look a little younger) who says he's not going to lose his pension because of them. They get into fights with other detectives over jurisdiction.

It is clear that the script, by Russell Gewirtz, was written for two actors in their early forties because its lead characters crack jokes about *The Brady Bunch* and *Underdog*. Only when Pacino starts talking about Greg and Marcia Brady he sounds as though he has no idea what he is referring to—which is understandable, since he was 29 when *The Brady Bunch* was first shown on television. One might have thought Gewirtz and director Jon Avnet would have saved Pacino from such embarrassment.

Only they wouldn't have because Pacino clearly wants people to think he can play someone in his mid-40s. As a result, he has allowed himself to turn into a freakish-looking person, with boot-blacked hair that stands up like a kewpie doll's and a wardrobe more appropriate for Johnny Cash than a veteran of the NYPD. For his part, De Niro spends most of the movie with a puzzled expression on his face, as though he wandered onto the set by accident from his Tribeca restaurant Nobu. This is especially true when he is called on to conduct a torrid, sadomasochistic affair with a forensics officer played by 37-year-old Carla Gugino, who not only is young enough to be his daughter, but actually *looks* like Robert De Niro's daughter. In these scenes, De Niro has the decency to look embarrassed. He knows he's in this for the paycheck; Pacino is in it to stave off the Angel of Death.

There's a reason that, alone among the actors of their generation, Jack Nicholson is still a major star at 71. Twenty years ago he decided to act his age, and has allowed himself to travel onward with the years. In so doing, he has maintained and even deepened an essential aspect of any great motion picture performer's aura: his dignity.

And the only time he played a cop, in 2001's *The Pledge*, the movie began with his retirement from the job and ended with him going completely insane. ♦

John Podhoretz, the editorial director of Commentary, *is* THE WEEKLY STANDARD*'s movie critic.*

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Parody

Hackers broke into the Republican vice presidential candidate Sarah Palin's private Yahoo! e-mail account looking to see if she had used it for official business as Alaska's governor. They found only inconsequential personal messages she has received since John McCain selected her as his running mate. — News Item, September 17, 2008

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wjc@clintonfoundation.org	**Don't be ashamed of your good looks**	**Tues., 9/23/08 9:16 AM**
maverick@senate.gov	Re: re: re: Finished reading Hayek	Tues., 9/23/08 9:19 AM
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dgergen@harvard.edu	**Advice for a small price**	**Tues., 9/23/08 9:21 AM**
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From: The Big She <hrc@senate.gov>
Time/Date: Tuesday, September 23, 2008 9:46 AM
Subject: Re: re: re: re: re: Defeating Obama

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